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Free Minds and Free Markets

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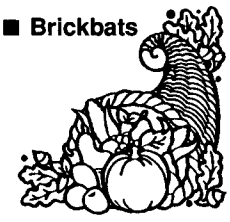

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FIN DE SIÈCLE

VIRGINIA I. POSTREL

"The lamps are going out all over Europe. We shall not see them lit again in our lifetime."

—Sir Thomas Grey, 1914

The people who walked in darkness have seen a great light. The shadow that descended in August 1914 has lifted. In Moscow, when it counted, the worst lacked all conviction and the best were filled with passionate intensity. Yeats's blood-dimmed tide at last recedes. The 20th century is over.

Centuries, like decades, exist not in the neat and tidy pages of the calendar but in the expanses of the imagination. They are defined not by what is forgotten—"What were the peasants doing?" our teaching assistant used to ask of the age of Machiavelli and Luther, Galileo and Shakespeare—but by what is remembered. The details fade, like faces recalled in a dream. What remains is but a caricature, a sketch suggesting truth by dominant features, characteristic gestures.

Of the 20th century, especially in Europe, we shall remember that it was nasty, brutal, and mercifully short—77 years that murdered millions. It was the century in which all but the naive and the wicked lost faith in progress, when every idea became its extreme. Nationalism begat racism; racism begat genocide. Equality liquidated the kulaks and marched the cities of Cambodia into the killing fields. We bided time until someone would push the button. If we can destroy the world, we thought, we will.

In the 20th century, liberty seemed an endangered species, a little bird whose every nest fell prey to marauding beasts. The destroyers claimed history as their ally, a force as impersonal and inevitable as a tidal wave or earthquake. The long twilight struggle had the fatalism of Norse legend. As the free world grew smaller, pessimism seemed only logical.

Europe got its tragic sense of life from World War I, America from Vietnam. But the results were the same. We cowered before history. The president of the United States was afraid to invite Alexandr Solzhenitsyn to dinner. It wouldn't have been prudent.

The left declared us "better Red than dead," positing those as the only alternatives. We were, they said, on the "wrong side of history," in Africa and Asia and, by implication, in Europe and America as well. In response, the right told us that democracies perish and totalitarianism endures. Freedom was worth fighting for, they said, but we shouldn't expect to win.

Fatalism cannot, however, long sustain freedom. For that, one must have confidence, defiance, cheek. And somehow, somewhere, sometime between the invasion of Afghanistan and the fall of the Wall, the people of the West recovered their courage—and their convictions. We began to believe, once again, that we were *right,* that the liberal society was not decadent but good and true, that capitalism was liberation, that freedom was more than nothing left to lose.

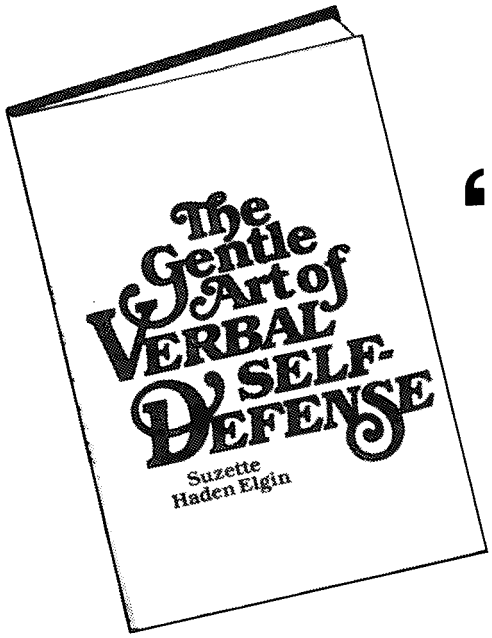
In part, it was bravado born of desperation. But there was substance as well. Franco set Spain free, and Juan Carlos stood up to fascists who would have reenslaved her. Portugal stopped a communist coup. Hong Kong and Taiwan, South Korea and Singapore, put their communist neighbors to shame. Japan, not China, became the next superpower.

Latin America followed Franco. The College of Cardinals elected a Polish pope. Solidarity survived. Margaret Thatcher and Ronald Reagan proclaimed the Anglo-American gospel of liberalism and sometimes even acted on it.

When Reagan called the Soviet Union an evil empire, the left deemed him a dangerous madman. When he said communism was doomed, the right thought him a fool. A man out of his time, he did not partake of pessimism. He infuriated those who admired him most.

"His trust in the future, his sunny belief that change, big change, was possible—the very things that occasionally infuriated the young of his administration—turn out to have been appropriate to the times," writes Peggy Noonan in *What I Saw at the Revolution.* "Sometimes the shrewdest thing is not to be too skeptical, not to be too 'wise.' "

In the heart of darkness, a new Soviet man was born. Vladimir Bukovsky wrote of the old version in his 1977 memoir, *To Build a Castle: My Life as a Dissenter*: "I despised Soviet man—not the one depicted on the posters or in Soviet literature, but the one who existed in reality, who had neither honor nor pride, nor a sense of personal responsibility, who was capable of tackling a bear alone with a pitchfork but who shrank away and broke into a cold sweat at the sight of a policeman, who would betray and sell his own father to avoid the boss thumping his fist on the desk at him. The tragedy was that he existed inside every one of us, and until we could overcome this Soviet man within, nothing in our life would change." Dissidents like Bukovsky and Solzhenitsyn, Sharansky, and Sakharov overcame the Soviet man inside because they could not do otherwise. They could not live by the lie. Others followed—less brave, less bold, less public, but nonetheless impor-



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Psycholinguist Suzette Haden Elgin has presented her innovative self-defense principles in a variety of formats. She has given workshops and seminars all over the U.S., including verbal self-defense sessions for doctors, lawyers, and other professionals. Dr. Elgin has also created a self-defense tape and a training manual for people who teach her self-defense techniques.

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tant. Soviet man became weaker, and the Sovet Union changed.

The old Soviet man undoubtedly still exists. After all, only a tiny percentage of Moscow's millions turned out to protect the "White House" from the expected onslaught of tanks. But thousands did. And, as Tatyana Tostaya notes in *The New Republic*, each did so not as a mob but as an individual: "Every one of the men and women who assembled outside the Russian Parliament building left his or her home alone, and headed in the rainy night toward the danger without any certainty that they were joining anything larger or safer than themselves."

Some still claim that history is the product of impersonal forces. But in August 1991 it was made by great men and women—many of them nameless. There was greatness on the streets of Moscow and in the halls of the Russian parliament. It resounded in Yeltsin's address from atop the tank and in Gorbachev's "The hell with you" response to the coup plotters. History spoke in the voices, and the deeds, of individuals.

The lamps are going on all over Europe, all over the world. We walk again in the light. The 20th century is over.

A WINNING TICKET?

RICK HENDERSON

The Democratic party is in pretty sad shape when, four months before the New Hampshire primary, either Walter Mondale or Michael Dukakis could mop the floor with the current batch of challengers. The campaign will proceed nonetheless. George Bush seems unassailable on foreign affairs, so the Democrats will focus on domestic policy. One Democratic theme you'll hear goes something like this: George Bush wants to be President of the World. We need a President of the United States.

Unfortunately, most Democrats promote the kind of tax, spend, and regulate policies that Bush's campaign can easily shoot down. What the Democrats need is a new message that can win votes while not simply mirroring George Bush's record. Here's a way to repackage traditional Democratic appeals using fresh issues that can entice disenchanted voters:

• *Tax fairness.* The biggest beneficiaries of our current loophole-ridden tax structure are those people wealthy enough to afford lawyers and tax accountants. Democratic Sen. Bill Bradley has pushed for simpler, flatter income taxes (at lower rates) for nearly a decade. Supply-side cuts will stimulate the economy, benefiting everyone, and fewer loopholes will encourage people to do more productive work and spend less time evading the tax man.

• *Fiscal responsibility.* During the economic expansion of the 1980s, tax revenue grew by $70 billion or more each year. The federal government continued to run deficits because spending increased even faster than tax receipts.

Thanks to the recession, the red ink is getting deeper. The Congressional Budget Office says the deficit will exceed $300 billion annually over the next four years. And George Bush hasn't gripped the purse strings tightly; domestic spending has gone up by an average of 10 percent a year during his term. Democrats could become the fiscally responsible party by combining supply-side cuts with a cap on total spending so that revenue can catch up. Virginia Gov. Douglas Wilder balanced his budget without new taxes; other Democrats can learn from him.

• *Empowerment.* Republican Jack Kemp champions school choice, housing vouchers, and other market-based welfare reforms. But he isn't running in 1992— Bush is. And the president's support for such structural changes has been tepid at best. A number of Democratic officials, however, do push for at least one of these plans. Former Democratic Del. Walter Fauntroy has long supported tenant ownership of public-housing units. Wisconsin state Rep. Polly Williams courageously marshaled through the legislature a voucher plan for Milwaukee's poorest students. And Arkansas Gov. Bill Clinton speaks of making public-assistance programs more entrepreneurial. The party simply needs one candidate to pull the empowerment agenda together.

• *Consumer protection.* House Speaker Tom Foley advocates the most proconsumer program around: free trade. A Democratic president could rescind the "voluntary" limits on imports Ronald Reagan and George Bush handed down. Similarly, the White House could appoint a trade representative and a commerce secretary who would unilaterally tear down other trade barriers.

Other agencies in the executive branch have hindered consumer protection. FDA regulations, for example, keep drugs in the laboratory and away from sick people. A proconsumer FDA would encourage the development of and easier access to life-saving products.

All of these positions risk alienating the traditional special-interest groups who fill Democratic campaign coffers. And the national Democratic party seems content to maintain its majorities in Congress even as it continues to lose the White House.

But if the Republicans keep winning at least 40 states in every presidential election, they can convincingly argue that the Democrats cater to parochial factions instead of the national interest; when that message sinks in, the GOP will start to win congressional elections.

After he left office, Ronald Reagan received grudging praise from Democrats because he had effectively and consistently articulated a few basic ideas. This new Democratic agenda of lower taxes, spending restraint, and empowering the poor also benefits from simplicity. And it's been tested on the campaign trail before: Republicans have used it to win the past three presidential elections.

THE ZEALOT ZONE

JACOB SULLUM

The most disturbing fact about last summer's protests in Wichita was not that hundreds of Operation Rescue activists tried to block the entrances of three abortion clinics for nearly two months, or that in doing so they gained nationwide publicity for their cause. More than anything else, critics of the group were troubled by the fact that the protesters deliberately broke the law, showed no remorse for this, and intended to do it again and again.

"We have anarchy," a spokeswoman for one of the clinics told *The New York Times*. "It is clear that these people will stop at nothing to impose their views on others," complained Kate Michelman, president of the National Abortion Rights Action League. "These are scary people....This is bleary-eyed zealotry."

What scares Michelman and other abortion-rights activists is not the number, the political strength, or the publicity skills of Operation Rescue's members. It's their moral certitude. Unlike George Bush, who supports a constitutional amendment to ban abortion but cautions activists to "stay within the law," the militants of Operation Rescue want to do something *now* to stop what they consider the murder of innocent human beings.

One need not share that premise to recognize that, once accepted, it logically leads (at the very least) to the sort of intervention practiced by the protesters in Wichita. Yet most abortion-rights advocates ignore the connection, for fear of lending legitimacy to the other side. Thus they use misleading arguments when they try to deny parallels between the anti-abortion movement and the efforts of abolitionists or civil-rights activists.

In a September 4 *Wall Street Journal* op-ed piece, for example, former NOW official Jacquelyn Washington condemns attempts by "the outrageous hoodlums of Operation Rescue" to draw on the moral authority of Martin Luther King Jr. "The right to choose an abortion is legal in Wichita," she writes. "Those women who are going into the clinic are doing something that has been determined as their right to do. Such a decision should be respected, even by those who disagree with the law."

The obvious question is, Why? Anti-abortion activists would be quick to point out that, prior to passage of the 13th and 14th Amendments, the right to own a slave was also legal. And prior to *Brown v. Board of Education*, "separate but equal" was a perfectly respectable legal doctrine. Yet who today would argue that Americans therefore once had a moral obligation to return fugitive slaves or observe racial segregation?

Abolitionists and civil-rights activists believed the law was unjust, and they acted accordingly. They rejected the notion that "those who disagree with the law" should nonetheless obey it. So, too, Operation Rescue. But while virtually everyone today agrees that slavery and segregation were wrong, very few Americans agree that an embryo is a person, with a right to life, from the moment of conception.

Still, many would recognize that third-trimester abortions, which one of the Wichita clinics performs, are not that much different from infanticide. The fact that such abortions are very rare is beside the point. The question is, By what moral principle can we distinguish between aborting a fetus at seven or eight months and killing a premature baby born at the same stage of development?

Do not expect abortion-rights activists to address such questions. They keep responding to the moral arguments of their opponents by citing statutes and court decisions. They seem oblivious to the fact that the abortion debate is not about what the law is but about what it should be. By forsaking persuasion and dodging the real issue, they do us all a disservice.

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Editorial, Advertising, and Production Offices
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034
(213) 392-0443

Washington Office
P.O. Box 8093
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LETTERS

Barking up the Wrong Tree?

In the August/September issue you quoted from *The Wall Street Journal*, "There are people prepared to let women die to save trees." (See Balance Sheet.) As the environmental group leading the effort to properly manage the Pacific yew tree and the old-growth ecosystem in which it is found, we would like an opportunity to clarify the *Journal*'s erroneous statement.

It is the goal of the Oregon Natural Resources Council (ONRC) to ensure that the maximum amount of the cancer-fighting drug taxol, derived presently from the bark of the Pacific yew tree, is made available for all those who need it, both now and in the future. To accomplish this goal, we need to exploit fully the available bark source, without waste, and immediately bring other natural or artificial sources of taxol on line. But most pressingly, we need to immediately change forest management policies that have been wasting vast quantities of yew trees and taxol on our national forests and other public and private forest lands.

The Pacific yew grows very slowly, principally in the shade of centuries-old Douglas fir forests in western Oregon and Washington. Currently, on federal forest lands, there are tens of thousands of acres of old-growth forests containing Pacific yew that are under contract to private lumber companies and are slated to be clearcut, and in most cases, to be later burned. While the Pacific yew can often resprout after it is cut, burning kills its thin bark, eliminating the Pacific yew from future forest stands and for future cancer needs.

This last spring, the ONRC threatened to go to court if the Willamette National Forest in Oregon did not go back and recover Pacific yew bark that was to be burned or wasted following clearcutting.

Conservationists believe the Pacific yew should be utilized and sustained. Because of the great human need, our priority has been to try to eliminate the waste of the yew tree in our national forests.

But the reality remains: Future supplies of yew trees for the production of taxol are finite. The good news is taxol and other similar compounds are also contained in the needles. If properly managed, the Pacific yew and its life-saving chemical taxol can be sustained.

Wendell Wood
Oregon Natural Resources Council
Eugene, OR

Unnecessary Procedure

Craig M. Collins stated in his review of *The Litigation Explosion* ("The Invisible Fist," Aug./Sept.), "Fix the substantive law, and procedural law will no longer be a problem." I disagree. Civil procedure is not alike in all jurisdictions. Like the frog that will jump out of the pot if dropped into boiling water, but will stay and be slow-cooked if the temperature slowly rises, California civil procedure has become a pressure cooker which slow-cooks alive all who must deal with it, including judges, attorneys and their staffs—and most of all the legal consumers, who must not only wait longer for justice, but must pay more for the unnecessary and time-consuming paper shuffling. Like the doctor who must order every conceivable test to avoid charges of malpractice, so must the California attorney file every conceivable paper.

In addition to rules of civil procedure common in most states, local court rules can vary widely. In Florida the rule book, which applies uniformly to courts statewide, had about 28 pages when I left. By contrast, there is no one book and no one set of forms that can be used to practice in California. Not only can every

county have different forms and rules, but branches within counties have different rules, and courtrooms at the same branch can have different rules—often unwritten! The local rules for just five Southern California counties takes up an entire bookshelf. Replacing pages with the latest updates is a constant chore. Secretaries fill up entire notebooks trying to keep track of minor details, such as how to format exhibits.

But judges with fiefdom complexes are not the worst part of the problem. Large law firms control the state and county lawmakers. Forms that are required by only one county in the state have often trapped an attorney from a neighboring county, protecting the "local boys" and furthering injustice to the unwary attorney's client.

Legal consumers large and small are seeking out alternatives to litigation. I own a mediation business. I assist clients to resolve their disputes without litigation. My sole business objective is to keep myself and my clients out of the courthouse and its degrading and dehumanizing system of justice for which the California legal establishment should be filled with shame.

Dagny Sharon
The Mediation Alternative
Tustin, CA

The Natives Are Restless

James Bowman makes some good points in his comments on the lunacy of the politically correct crowd ("A Few Reservations," Aug./Sept.), but he might do well to check some of his sources before he makes broad, sweeping statements on native culture.

The Aztec religion was very brutal. But then, I seem to recall a thing in history referred to as the Inquisition. Were I to use Mr. Bowman's methods, I should then conclude that the Christianity of the time was universally acquainted with the use of the dungeon and the thumb screw.

His most interesting comment was, "No one pretends that...the Indians in general treated their women as anything

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Moving west from New York, rent control and exclusionary zoning are bringing a housing crunch to Los Angeles and the San Francisco Bay Area as well. Such local regulations are the real causes of America's housing shortage, William Tucker argues. In cities without rent control, landlords offer bonuses to entice renters. In rent-controlled cities, housing is in short supply and landlords and tenants are at each other's throats. The best way to increase the supply of affordable housing, Tucker finds, is to allow people to build it—without a morass of regulations that reduce supply and raise costs. ***Zoning, Rent Control, and Affordable Housing*** by William Tucker, 72 pp., $9.95

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LETTERS

but inferiors, if not mere beasts of burden." What a shock this would be to my ancestors. All that time the women thought they lived in a matrilineal culture that gave them complete control of the house in which they lived and the children to which they gave birth, while in truth they were mere beasts.

Perhaps when the British encountered the Cherokee they were drunk, for they were severely confused in their belief that these beasts of burden were warriors and participated in village councils.

Ah, and those beasts of burden in the Mohawk nation. What a grand deception the men must have been perpetrating upon them when they permitted them to elect the government.

But then, I guess I should welcome the changes. Surely the current leftist government in California is better than anything the Chumash or Yurok or other California peoples could have devised.

While Mr. Bowman justifiably laments the lunacy of the left, he adheres at the same time to the P.C. of the right when he mentions the "unspeakably brutal existence" of native peoples (a belief first expressed by Immanuel Kant, who had never been to this continent but hated the reports of limited government filtering back to Europe at the time).

My greatest sticking point with libertarians is their insistence that freedom was invented by Europeans. Those who adhere to this belief should consider the message of the head chief of Acuera to DeSoto: "I regard those men as vile and contemptible who subject themselves to the yoke of someone else when they can live as free men. Accordingly, I and all my people have vowed to die a hundred deaths to maintain the freedom of our land." And this was said in the late 1530s, more than two centuries before it would be echoed on the east coast of this continent.

The P.C. crowd has indeed latched on to the Native American in their headlong rush to obliterate freedom from this land. But this (hopefully short-lived) fad has nothing to do with the real history or present reality of the Native American. The politically correct merely substitute one myth for another, leaving their unwilling subjects incapable of being human.

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These awards are made possible by an earmarked grant from the Chicago Resource Center. They will be presented at the Fifth International Conference on Drug Policy Reform, November 13-16, 1991, in Washington, D.C. The Foundation is a privately funded, independent forum for drug policy alternatives. To support an open debate on drug policy options, send a tax-deductible contribution today to the Drug Policy Foundation, 4801 Massachusetts Ave., N.W., Suite 400, Washington, D.C. 20016. Telephone: (202) 895-1634. Fax: (202) 537-3007.

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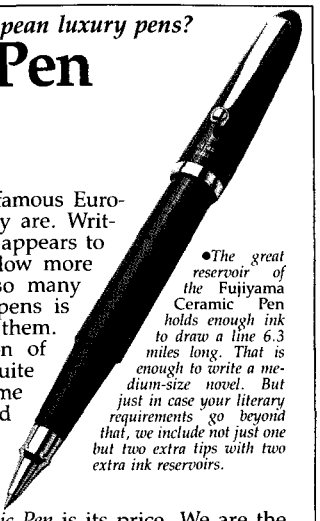

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SOCIALISM'S LAST LAUGH

In New York City today, there is no law so untouchable, no topic as emotionally charged or closed to discussion as Rent Control. So when Scott Gardner wrote a book critical of the Big Apple's fifty-year-long "temporary wartime measure," he violated a sacrosanct taboo.

To make matters worse, his book, "*Live Rent-Free For Life,*" is not a dull economic text but a hilarious satire that dares to poke fun at the "humanitarian" system that was supposed to help the poor, but has turned into a free handout for the rich. As a result, this incisive little book has turned into a great big embarrassment for New York's lawmakers and a great big laugh for the rest of the country. But Gardner makes his point with such engaging good humor and comic inventiveness, you actually enjoy the devastation he wreaks among landlords, tenants, bureaucrats, and politicians alike.

Inspired by his ten year experience as owner of a small Manhattan townhouse, Gardner discovers a fertile field of comedy no one has ever tapped, and for the first time, reveals the wild and wacky world of rent control in all its bizarre absurdities.

His chapter titles alone are inspirations: "Deck The Whores With Boughs of Folly," outlines a tongue-in-cheek proposal to eliminate the world's oldest profession by regulating hooker's fees like rents; "How I Turned $100,000 into $1.25 By Investing In Real Estate In My Spare Time," teaches a fool-proof method for retiring directly to the poorhouse; "A Great Leap Backward," reveals the city's 5.1 billion dollar plan to move its poorest citizens UP to grinding, abject, poverty; and in "An Endangered Species," Scott Gardner reveals how irate Brooklyn tenants who compared their hated landlord, Morris Gross, to a reptile, did the nation's reptiles a "gross" disservice.

Among many other riotous tidbits read "Beyond Chaos," a merciless description of a housing agency completely bogged down in inefficiency and red tape, and how this chaos makes it feasible and legal for every New York tenant to stop paying rent forever. And in a diabolical socko finish, "Mein Krampf," delivers a monologue strangely reminiscent of Hitler's rantings as it describes rent control's "final solution" to the city's age-old "landlord problem."

"*Live Rent-Free*" is the first book ever written that rips the mystique away from the Big Apple's liberal facade and exposes the rotted core of what is perhaps New York's most destructive, possibly its costliest, but certainly its dumbest law.

"At a pivotal time in our history," writes Gardner, "when harsh economic reality has made Marxist dogma harder to peddle than radioactive waste, this country's putrid pockets of rent control may very well be the last surviving examples of socialistic claptrap left in the civilized world." The book all America is cheering over. At your local bookstores or send $11.95 (includes shipping) to:

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LETTERS

When native peoples migrated into Florida (eventually coming to be called the Seminole), they had a motto that applies well here. "Poohaan checkish." "Leave us alone."

A sentiment most libertarians can grasp readily.

Mark G. Avenell
Nacogdoches, TX

A Farewell to Arms?

Daniel J. Ryan's letter (Aug./Sept.) asked for a definition of "arms" as it is used in the context of the Second Amendment and asserted that the National Rifle Association wouldn't be willing to discuss such a "pivotal" issue. Not to worry—the Founders made it clear in their letters that their concern focused on the personal arms that a citizen-soldier would bear as a light infantryman. These included pikes, edged weapons, handguns and long guns, but not crew-served armaments such as cannon.

In *Federalist 29*, Hamilton wrote, "that army [the regular army] can never be formidable to the liberties of the people while there is a large body of citizens, little if at all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow citizens." His words clearly indicate that if you could go back in time to ask whether he would extend the protection of the Second Amendment to selective-fire assault rifles and their semi-automatic look-alikes, he would answer, "If the government's infantry carries them, then the people must have them too—but in greater numbers!"

Because the Founders were wise enough to use the generic term *arms*, the Second Amendment's language will also

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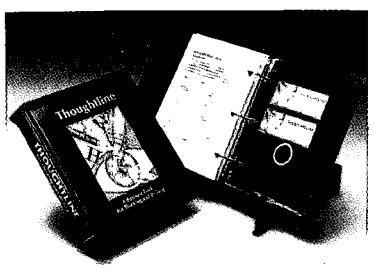

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protect the laser guns of the 21st century, and whatever personal weaponry might be developed after that.

The liberal press likes to lampoon the Second Amendment by picturing its defenders toting bazookas down Main Street, hunting deer with rocket launchers, and shooting tanks with pistols. But it will do no good to resort to slander and ridicule, or even to repeal the Second Amendment itself, as columnist George Will recently suggested. The right it enshrines is the basic human right of self-defense, whether against oppressive governments or predatory criminals, and it transcends the paper documents on which it is inscribed.

Tom Burckhalter
Lake Bluff, IL

IN TODAY'S ENVIRONMENT, the Second Amendment justifies the private ownership of any military arm that can be carried—including its ammunition—by one man. The Second Amendment specifies "keep and bear."

In the 1938 *United States v. Miller* case, the Supreme Court ruled that the Second Amendment protects those arms that have "some reasonable relationship to the preservation or efficiency of a well-regulated militia," and the militia is a fighting force, intended to "suppress insurrections and repel invasions." Thus, all firearms used by the U.S. military, our allies, and, under some circumstances, our enemies, are specifically protected. Until, or unless, the Second Amendment is repealed, it must be obeyed.

Wm. O. Felsman
Woodland Hills, CA

WHEN THE SECOND Amendment was ratified, single-shot muskets were the military equivalent of the "assault weapons" and machine guns of today. No controls on artillery, military aircraft, submarines, battleships, or other military gear existed until the National Firearms Act of 1934, and there were essentially no problems with their abuse by private citizens. Indeed, the 1934 act appears to have been passed because weapons were stolen from military armories by organized crime during Prohibition. Readers of REASON can no doubt make the connection between the current attack on constitutional rights, including the Second Amendment, and the current drug prohibition.

Those within the NRA tend to compromise the amendment a bit by suggesting that, in the *Miller* decision, the Supreme Court had the right idea: that *protected* arms are those which are militarily useful to a militia consisting of all people physically capable of acting for the common defense. Clearly, "assault weapons" would fit this definition while nuclear weapons would not.

Dean S. Weingarten
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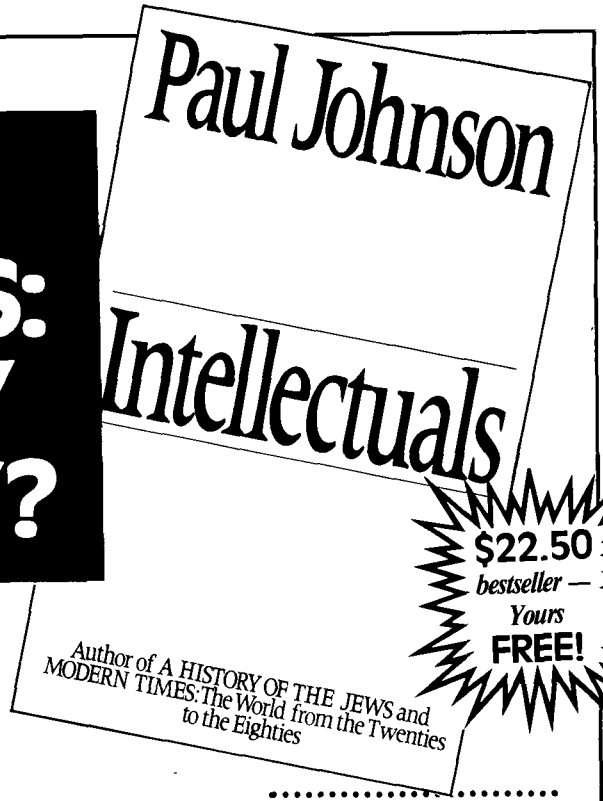

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Johnson admires two, gives one a passing grade, devastates the other 17.

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In the City of Brotherly Love, according to a study by the Insurance Research Council, about 75 percent of accidents causing property damage also give rise to a bodily-injury claim. That's five times the rate in Pittsburgh, six times the rate in Harrisburg.

The IRC study examines the number of bodily-injury claims per 100 property-damage claims, a rough measure of the likelihood that someone will seek compensation for injuries after an accident serious enough to generate repair bills. It found that the rate varies between states with similar liability laws and even within states. For example, based on figures for 1985-87, the rate was much higher in Cleveland (40 percent) than in Cincinnati (21.4 percent); in Miami (37.5 percent) than in Jacksonville (11.2 percent); and in Los Angeles (60.6 percent) than in San Francisco (37.4 percent).

In the 37 states with fault-based insurance systems, the rate rose nearly 30 percent from 1980 to 1989. The five states with the highest rates in 1989 were California, Arizona, Louisiana, South Carolina, and Nevada. With the exception of Louisiana, all of these states have had car-insurance affordability problems serious enough to prompt legislative responses in recent years.

A nationwide study that the IRC conducted in 1989 found that "the areas with high injury claim frequencies have fewer deaths and serious injuries than other areas. The additional injury claims recorded in high-frequency areas are mostly for neck and back sprains."

This finding suggests that higher ratios of bodily-injury to property-damage claims are largely due to fraud. The Insurance Crime Prevention Institute reports that Philadelphia, Los Angeles, and South Carolina all have serious problems with car-insurance fraud, including staged accidents.

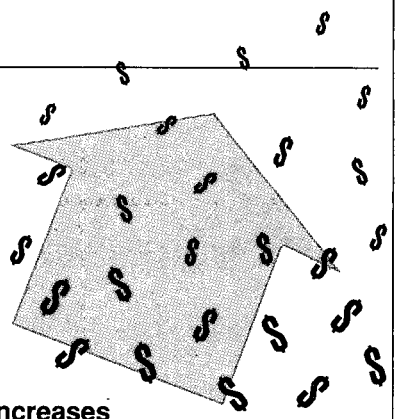
Less dramatic abuses abound. "You see the bumper stickers around that say, 'Hit me—I need the money,' " notes R.J. Young Jr., vice president for auto pricing at Allstate Insurance. "It's a way to get some money."

Experts say various factors may explain why people in some areas are more likely to file fraudulent claims, including the average length of residence, attitudes of local attorneys and judges, and levels of income and employment. Young suggests that high insurance rates encourage the padding of claims: "When people pay more, there may be a feeling of entitlement....They say, 'I paid a lot of money for a long time. I want to get some back.' "

—Jacob Sullum

T for Taxes

Americans now work one hour each day for state and local government. That's the portion of their paycheck absorbed by state and local taxes. That time will probably go up next year. Twenty-three governors have gained or requested some form of tax increase for 1992. Below is a sample of the smorgasbord of new taxes that Americans will soon be providing state governments.



Planned 1992 Tax Increases

Sales Tax	
Arkansas	Raise from 4 to 4.5 percent
Vermont	Raise from 4 to 5 percent
Income Tax	
Connecticut	New 6 percent tax
Pennsylvania	Raise corporate tax from 8.5 to 10.5 percent
Gasoline Tax	
Idaho	Raise by 6 cents a gallon
New Hampshire	Raise by 2 cents a gallon
Rhode Island	Raise by 5 cents a gallon
Cigarette Tax	
Iowa	Raise by 10 cents a pack
Minnesota	Raise by 24 cents a pack
Beer Tax	
North Carolina	Raise by 10.673 cents a gallon

Source: *Fortune* magazine.

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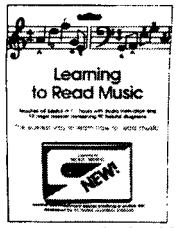
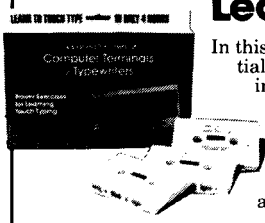


Learn to Read Music

This innovative program will give you all the basics of reading music in a format designed to make it easy to learn on your own.

It's ideal for anyone who never had the chance to learn musical notation or read the music for the non-melody parts. This program teaches all the basics of reading notes, musical staff, time signatures, sharps and flats, and repeat signs. Includes an 80-minute cassette and a booklet containing 90 helpful diagrams. Order #S17065, $14.95.

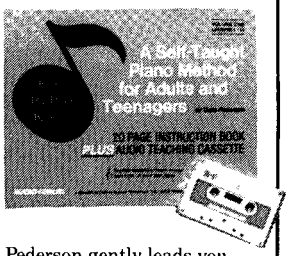


Learn to Touch-Type

In this computer age, touch-typing has become an essential skill everyone should have. This is a unique self-instructional program that will teach you to touch type in only 4 hours, whether you are a beginner or use a 1 or 2-finger "hunt and peck" method.

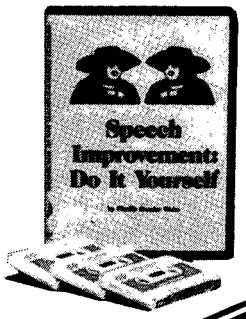
The program was developed by Incentive Learning Systems and has undergone extensive testing and revision. The program consists of 3 cassettes and an exercise book. Order #S17055, $29.50.

Learn to Play the Piano



Deep down inside, almost everyone wants to know how to play the piano — the instrument of family songfests, parties, and intimate gatherings. If you've had the yearning but don't want to (or can't) take lessons, *Key to the Keys* is for you. It's a self-taught piano method that you can follow at your own pace and your own convenience. Author/teacher Gale Pederson gently leads you step by step, and you play chords from the beginning, which is lots more fun than picking out single notes. Order #S01550, $15.95.

Learn to Improve Your Speech



Accept compliments on your beautiful speaking voice after learning from this course, designed to correct the most common causes of unpleasant American speech. Professional speech tutor Phyllis Rooder-Weiss shows you how to diagnose your speech to pinpoint those elements that need improvement.

At a fraction of the cost of private lessons, you will learn how to:

- Correct nasality and build resonance
- Project your voice properly to be heard
- Achieve clear and distinct delivery of words
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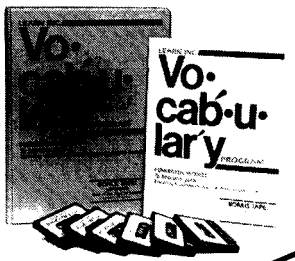
- Overcome mannerisms distracting to oral expression
- Achieve pleasing pitch

The program includes 3 cassettes and accompanying manual. Order #S23720, $39.50.

Learn to Develop Your Vocabulary



It's a known fact that there is a high, positive correlation between having a good vocabulary and career achievement. This unique program will give you the power words you need to increase the effect of your spoken and written communications. You'll add over 2,000 important words to your vocabulary, as well as improve your reading, writing, and speaking. Additionally, you'll learn special techniques that will help you to remember and use the new words correctly.

Course consists of 5 cassettes, 48-page workbook, and a set of recall cards containing pronunciation keys and brief definitions. Order #S01975, $59.95.

Learn a Foreign Language

Learn to speak a foreign language fluently on your own and at your own pace with what are considered the finest in-depth courses available. Most were developed by the Foreign Service Institute for the U.S. Department of State for diplomatic personnel who must learn a language quickly and thoroughly. Emphasis is on learning to speak and to understand the spoken language. A typical course (equivalent to a college semester) includes an album of 12 to 18 audio cassettes, (15 to 24 hours), recorded by native-born speakers, plus a 250-page textbook.

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Greek	#AFR301	$175	Saudi Arabic	#AFA234	$175
Hebrew	#AFH345	$235	Spanish	#AFS101	$175
Italian	#AFZ501	$175	Spanish Level II	#AFS121	$145
Japanese	#AFJ401	$175	Swedish	#AFK501	$175
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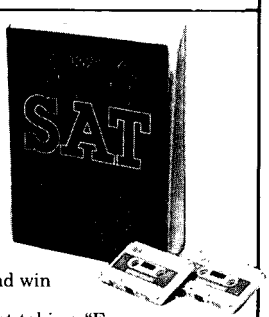
Learn the techniques and secrets of success of famous authors. Audiocassette program by long-time teacher and nationally published writer Elizabeth R. Bills provides tips on how to get started as a writer, begin a story, write a magazine article, and more! Plus — a bonus techniques cassette by famed science-fiction writer A.E. Van Vogt. Six audio cassettes in all. Order #S23350, $49.50.

Learn How to Take the SAT and PSAT



This complete home-study course is guaranteed to improve the test scores of *any* college-bound student. It consists of a 372-page book and 2 audio cassettes that carefully guide the listener through the text. The course was created by Marcia Lawrence, whose instruction has helped thousands of high-school students maximize their SAT scores and win acceptance by the college of their choice.

This course actually teaches the *techniques* of test-taking. "Every answer is built right into the test," says Marcia Lawrence. "I show the student how to dig it out." She shows the student how to spot key clues, how to eliminate wrong choices, and how to zero in on the right answer — time after time. Order #S17038, $26.95.

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BALANCE SHEET

Assets

Fax or Fiction? Don't sweat the 29-, er, 30-cent stamp. Technology Futures, an Austin, Texas-based management-consulting firm, predicts that 60 million homes will have fax machines by the year 2000. By then, the firm says, reliable fax machines will sell for $200 and it'll cost 30 cents to send a one-page letter by fax. With cheap faxes and private magazine delivery (see "The Superior Mail," May), who needs Uncle Snail?

Daddy Tracked. Deadbeat parents evade nearly $15 billion in child-support payments—one-third of the total owed—each year. Financially strapped welfare offices, *The Wall Street Journal* reports, now have private collection agencies find these ne'er-do-wells. One agency in the Southeast locates deadbeats 75 days faster than the government. Mom and the kids get checks a couple of months sooner, too.

Smooth Ride. Engineers at Northwestern University design a pothole-fixing machine that (with a two-person crew) can repair 50 potholes a day for $30 each; standard paving teams fix seven or eight holes daily at $190 a shot. It also works in freezing weather and at night, so officials can schedule repairs when traffic is light. This machine could end holy rolling down the highways.

Light-en Up. A Canadian judge overturns that country's three-year-old ban on tobacco advertising because it violates free speech. The ruling may stifle a similar ban proposed by the European Community. In his 148-page opinion, Quebec Superior Court Justice Jean-Jude Chabot writes, "There isn't any proof that advertising itself is a danger to public health. As Aristotle said, the word 'dog' never bit anyone."

Liabilities

All Wet. Alaska Gov. Walter Hickel, supported by L.A. County Supervisor Kenneth Hahn, backs a $150-billion pipeline to send water from his state to California. Local regulators snicker: Pipeline water would cost twice as much as desalinated ocean water. L.A. Metropolitan Water District board member Christine Reed says, "We have enough water in the state. It's just priced inequitably and used inefficiently."

Red Rain. Fasten your seat belts. The budget deficit for fiscal 1993 will push $400 billion, twice as big as it was under the fiscally unconscionable Ronald Reagan. Had Congress and the Bush administration simply abided by Gramm-Rudman, we'd be in balance by now.

Traffic Jam. A 14.5-mile private toll road scheduled for construction in Orange County, California, faces environmental speed bumps. The EPA fears wetlands losses and the demise of the California gnatcatcher, a threatened bird subspecies. State and local air-quality boards could force the construction firm to add carpool lanes, making the highway too expensive to build. Regulatory gridlock may keep this road closed.

Nolo Contendere. Left-wing Democrats get *really* desperate. Matthew Rothschild, publisher of *The Progressive*, starts a "draft Ralph Nader" campaign for the presidential nomination. The *Los Angeles Times* reports Nader has his own pick for the job—former Texas Agriculture Commissioner Jim Hightower. Just what the Democrats need: candidates who give Mike Dukakis stature.

—Rick Henderson

Decrim Data

When Alaskans voted to recriminalize marijuana possession last fall, they were swayed by a familiar argument: Lenient treatment of pot "sends the wrong message," encouraging young people to use drugs. But a recent study by two economists at the University of Baltimore casts doubt on this bit of conventional wisdom.

Based on data from the National Longitudinal Survey of Youth, Clifford F. Thies and Charles Register concluded that the decriminalization of marijuana in 11 states generally has not had a significant impact on drug use by teenagers and young adults. They found that factors such as religion, marital status, and education are far more important.

The annual survey provides information about 12,686 Americans who were between the ages of 14 and 21 in 1979. Using responses for 1984 and 1988, Thies and Register analyzed the ways in which various factors, including decriminalization, affected the prevalence and frequency of marijuana, alcohol, and cocaine use.

The rates of drug use were slightly higher in the states that had no prison penalty for minor possession: In 1984, for example, about 27 percent of the respondents in the decriminalization states had smoked pot in the previous month, compared to about 25 percent in the other states. But Thies and Register found that the higher rates were due primarily to population differences.

The one exception was cocaine use in 1984. Thies and Register found that residents of decriminalization states were more likely to have tried cocaine, even when demographic factors were taken into account. But those who used cocaine were *less* likely to do so frequently. "If anything," write Thies and Register, "the large number of users of small amounts of cocaine in decriminalization states refutes the argument that decriminalization of marijuana would lead to compulsive use of more dangerous drugs."

—Jacob Sullum

Looser Liquor?

In Pennsylvania, you can buy liquor only at the much-derided State Store, where service is poor, selection is small, and hours are inconvenient. But the end of the State Store, and its counterparts in several other states, may be near.

Eighteen states run liquor stores, controlling wholesale or retail distribution. But as states become increasingly strapped for cash, legislators have given serious attention to the notion of privatizing liquor sales. West Virginia sold its liquor stores in 1990 and reaped a one-time windfall of $20 million. Iowa did the same in 1987 and realized a similar profit.

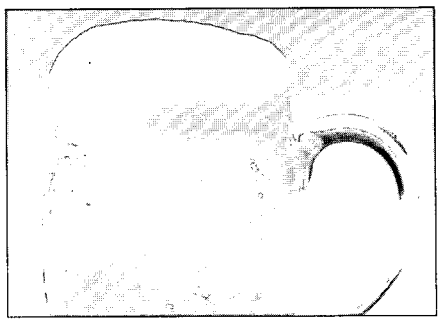
In Ohio—where legislators barely managed to close a two-year budget gap of more than $1.5 billion—Gov. George Voinovich has made liquor-store privatization a priority. Pennsylvania lawmakers are pushing a similar bill. So are legislators in New Hampshire, Vermont, Montana, and North Carolina.

The proposals have met with opposition. The most vocal opponents are public-employee unions afraid of losing jobs if the liquor business goes private.

If liquor stores go private, warns Ed Cloonan, president of Pennsylvania's Independent State Store Union, in a press release, Philadelphia "will have 3,000 outlets selling as much booze as they can, to whomever they can, whenever they can." Pittsburgh, he added, "will have at least 300 more stores selling the number 1 drug in America alongside cheese and crackers and cookies and milk."

But fears that selling liquor and milk together will lead to rampant drunkenness appear misplaced. Since Iowa sold its liquor stores in 1987, alcohol-related injuries and fatalities have remained roughly constant. In fact, per-capita liquor consumption by the adult population in Iowa fell from 1.23 gallons in 1986 to 1.17 gallons in 1989. And states that don't monopolize the sale of liquor, such as New York and New Jersey, rank well below states that do in alcohol-related injury and fatality rates.

—John R. Guardiano



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NordicTrack simulates the world's best exercise, cross-country skiing. This smooth, total-body motion exercises all major body muscles including arm and shoulder muscles that are neglected in walking or running.

2. Non-jarring.
NordicTrack's smooth, efficient skiing motion has none of the jarring motions which can damage joints and ligaments.

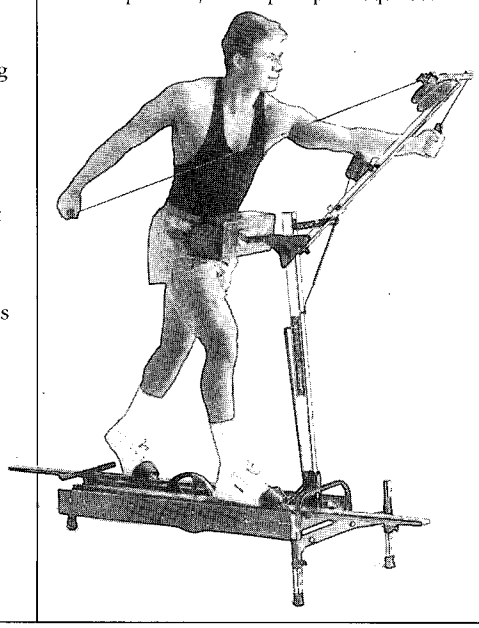
3. Safer.
NordicTrack is human powered and has no electric motors or high-speed belts that require constant concentration or that can throw off a user or child.

4. You are in control.
NordicTrack lets you set the pace of your workout. No panic starts and stops as with motorized devices.

5. Quieter.
NordicTrack's smooth skiing motion is inherently quiet and has none of the pounding foot step noise associated with running on a treadmill.

6. No electric cord or outlet required.
Put a NordicTrack wherever you want. You are not constrained by outlet location and you won't trip over the cord.

7. Costs far less for equal quality.
NordicTrack's efficient and human-powered design needs no expensive electric motors and speed controls. And, because NordicTrack is simple and uncomplicated, little upkeep is required.



8. Non-boring.
People love their NordicTracks. In fact, 7 out of 10 owners are still using their machines more than 3 times a week, 5 years after purchasing one.

In fact, these NordicTrack owners are so enthusiastic about the results they've achieved, that in a market research study conducted by Maritz Research in 1988, 97% responded that they would recommend NordicTrack to their family and friends.

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BRICKBATS

To love animals isn't necessarily to know them. An anonymous critter lover complained to the Overland Park, Kansas, animal-welfare office that the udders on some of farmer John Eastland's cows were too big. The cows, the caller feared, might have been abused. In response, the city dispatched inspector Joey Headrick, who discovered nothing but the works of nature. The cows had recently given birth and were nursing. Says Farmer John, "I've dairied for 56 years, and this is just natural."

Chicago Police Superintendent LeRoy Martin has been to China, and he liked what he saw. Martin toured Chinese prisons, and he thinks Commie-style justice—the suspension of constitutional liberties and a harsh penal system—could be the key to victory in the war on drugs. "I know we're a democracy, but you know, I don't think everything the communists do can't be copied. And I think there are some things they do that are better than what we do."

At a Des Moines fair, an animal-rights activist threw a cream pie in the face of the Iowa Pork Queen to protest America's "meat addiction." While I have my doubts about animal rights, I believe any woman who allows herself to be called a "pork queen" deserves at least a pie in the face.

The Progressive reports that 250 PBS stations now carry Lawrence Welk. (There are roughly 300 public broadcasting stations overall.) Maybe it's a sop to conservatives to balance all those left-wing documentaries. Or maybe program directors just wanted something to make their pledge breaks look exciting.

Auto-safety nabobs complain every time a car company touts its latest model's speed and handling, so Subaru decided to avoid any negative publicity by parodying sports-car ads in its new campaign for the SVX. In a television commercial, an announcer says in a sarcastic voice that the SVX "can reach speeds of 140 miles an hour." But, he adds, "How important is that, with extended urban gridlock, gas at $1.38 a gallon, and highways full of patrolmen?" However, Subaru didn't count on the safety nazis' single-mindedness or their lack of a sense of humor. The Center for Auto Safety and other safety groups immediately attacked the ad for its reference to speed. Maybe next time Subaru should try something a little less controversial, such as, "The SVX comes in a wide variety of stylish colors."

A tale of two cities. In mostly black, working-class Compton, California, the local branch of the NAACP bucked its national board by supporting Supreme Court nominee Clarence Thomas. But just a few miles away, in the affluent, white westside of Los Angeles, the local ACLU has broken with its national board to oppose Judge Thomas.

In Baltimore, election officials nixed city council candidate Donna Shapiro's idea to give away goldfish as a campaign gimmick. They said that it would violate laws against providing material incentives to voters. How silly. American voters can't be bribed with a goldfish. A cute puppy maybe, but not a goldfish.

In Devils Lake, North Dakota, Christian fundamentalists are demanding that Central High School drop its decades-old nickname, the Satans. The school board will likely put the issue before voters. No word yet whether there will be a referendum on the town's name.

President Bush's new crime bill imposes the death penalty for certain violent crimes. On the list: assassinating the president, hijacking an airliner, and murdering a federal poultry inspector. Well, that should send a warning to Frank Perdue.

—Charles Oliver

Peace Silver Dollars

- Brilliant Uncirculated
- Pre-1925
- $12.50 each!

Why Mint State Peace Dollars are a Bargain Right Now

by Patrick A. Heller

Peace type silver dollars in Mint condition are at historic low prices, offering the astute investor an excellent opportunity for profit.

The rare coin market has risen substantially since its lows last November, but Peace silver dollars are still available at very low prices. In all my years as a professional numismatist, I have never seen such bargains available.

And the funny thing is, the Peace silver dollar is the most popular silver coin with collectors. It's easy to see why collectors love these coins— they are big, and they are beautiful!

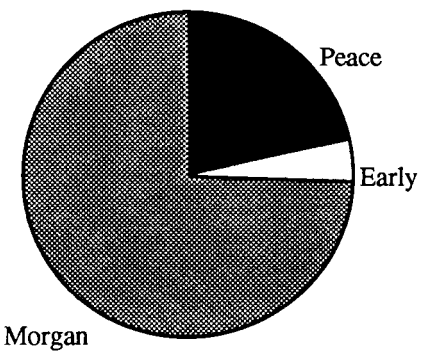
And right now, they are also downright cheap. I believe that prices for Mint State Peace dollars may never be this low again! That's why our numismatists have been busy bargain-hunting, acquiring quality Peace dollars at prices so cheap that I know we will find ready buyers.

Even Rarer than Morgan Dollars! Issued to commemorate the Peace that followed World War I, the Peace dollar was minted only from 1921 to 1935. As a result, far fewer Peace dollars were minted than Morgan dollars— yet we offer Peace dollars at a price $5 lower than Morgans! (See the graph below.)

While our supply lasts, we offer Mint State Peace Dollars as low as $12.50 each. (See price list in coupon at right.)

All are in Brilliant Uncirculated, personally graded by Allan Beegle, our chief numismatist. And all are backed by our exclusive guarantee: you may return any rare coin for a full, 100% refund for any reason, at any time within 15 days of when you receive them.

U.S. Silver Dollar Mintages



Warning: Although we have accumulated a substantial quantity of Mint State early Peace silver dollars for this offering, we believe that there is a good possibility that we will sell out completely. In this volatile market, it may be impossible for us to acquire additional coins without raising our prices. Therefore, to avoid disappointment, I recommend you telephone us if you want to reserve your purchase.

Act Today: Orders will be filled on a first come, first served basis. This offer is limited to stock on hand.

To reserve your purchase and lock in today's price, call me (or another LCS trader) toll-free at 1-800-321-1542. Michigan residents call 1-800-933-4720. Or return the coupon below. Michigan residents add 4% sales tax.

Yes! Please send me the Mint State Peace silver dollars that I have indicated below. I understand all are minted prior to 1925, and that I may return them for a full refund for any reason within 15 days of receipt.

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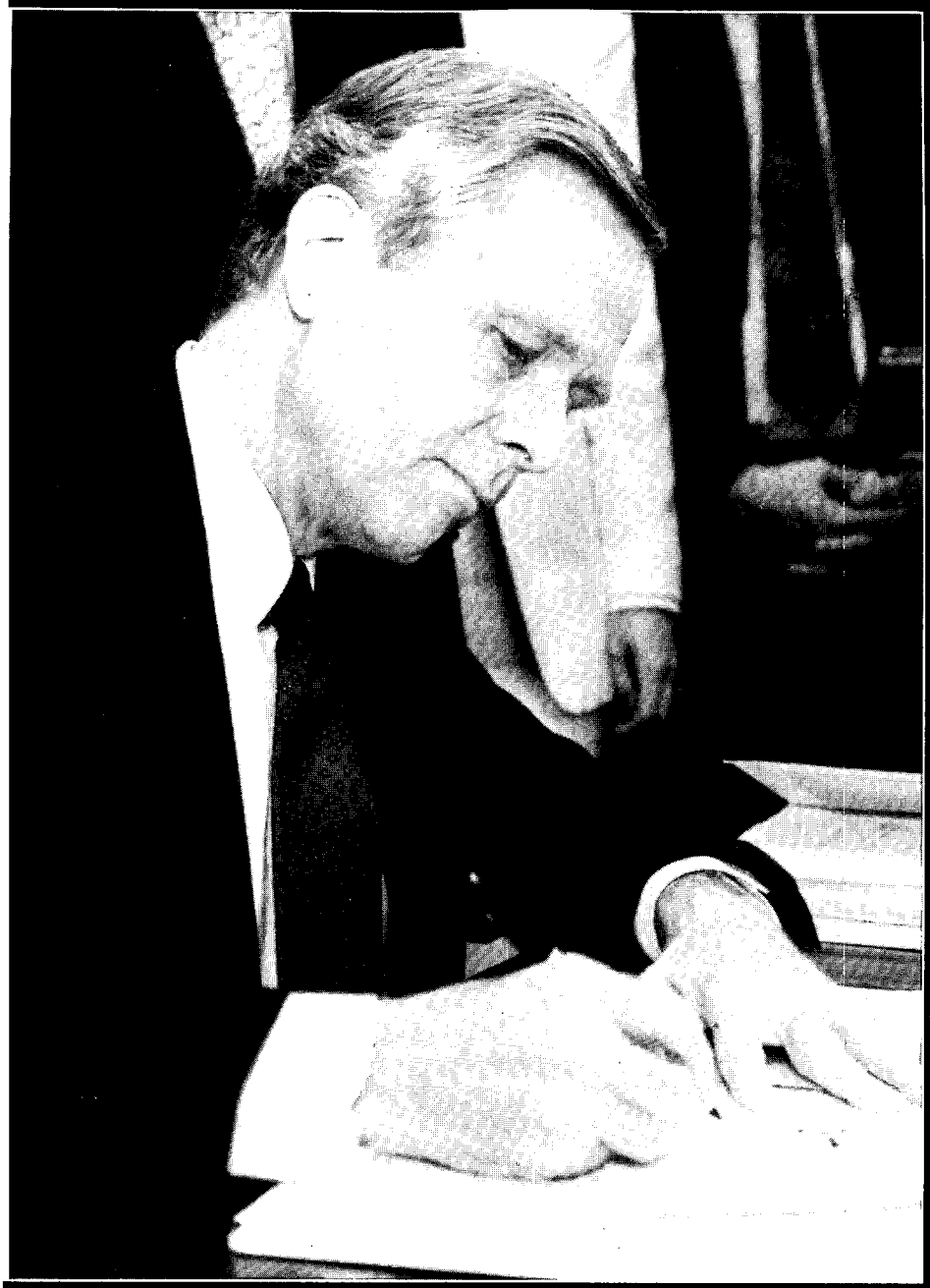

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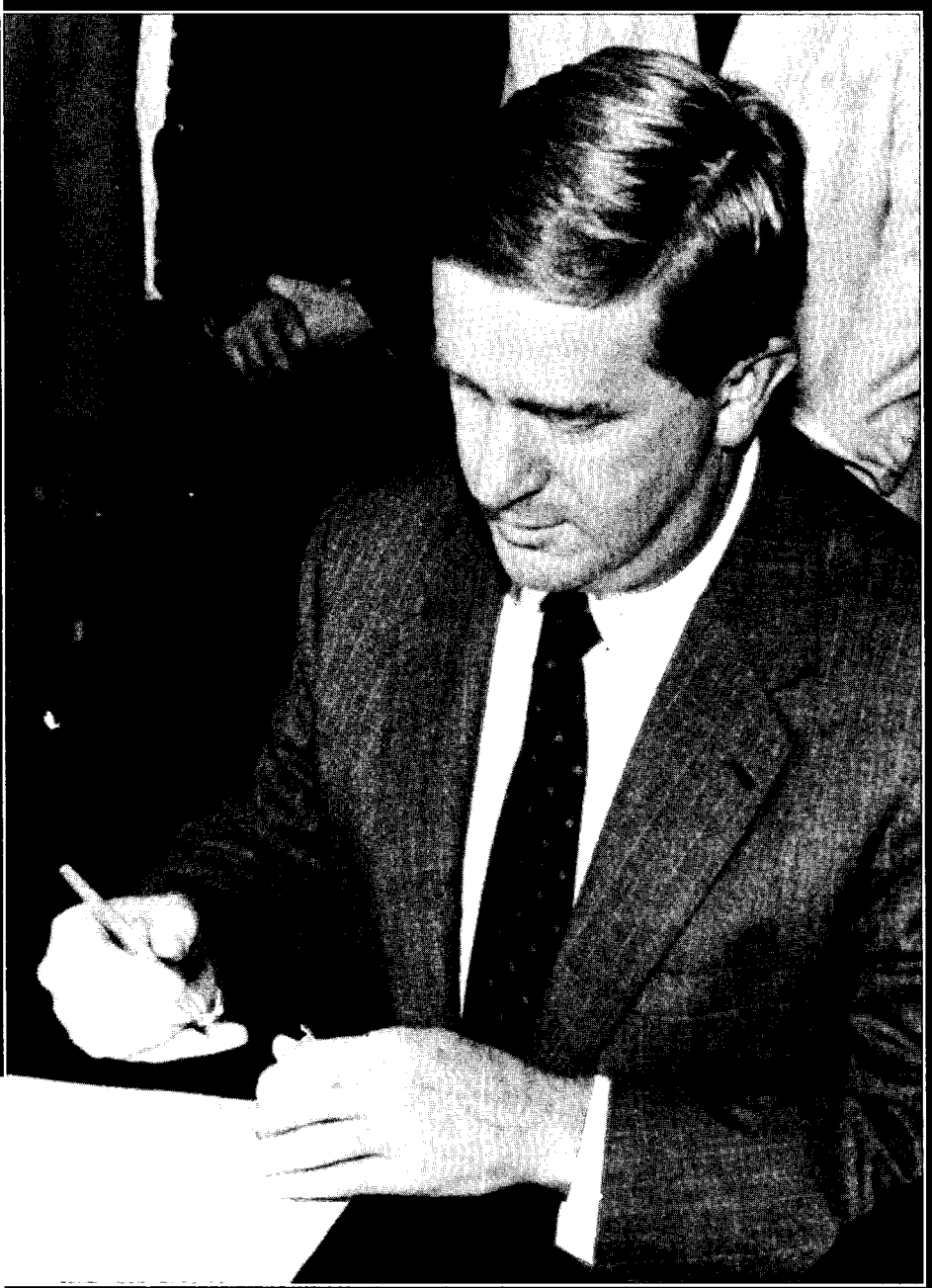

Will Republican leaders embrace the tax-and-spend policies of Pete Wilson or Bill Weld's entrepreneurial government?

By Rick Henderson

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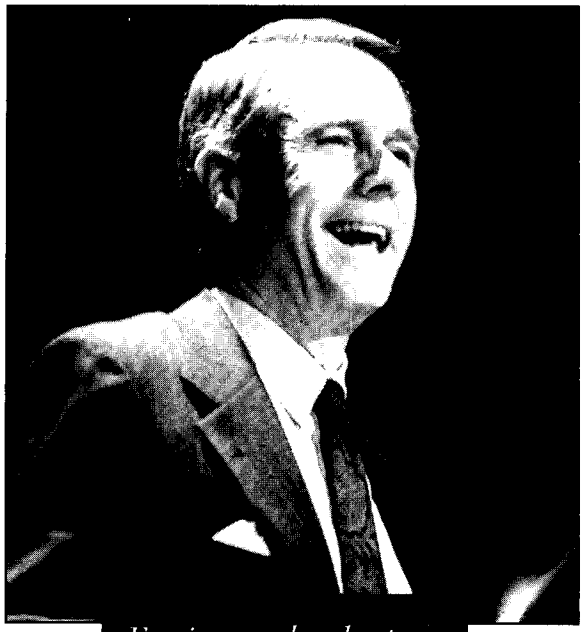
On election day 1990, Pete Wilson and William Weld looked like political twins. Both were moderate Republicans, lifelong public servants who had nonetheless avoided the deadly "insider" label. Wilson had been a state legislator, a mayor, and then a United States senator; Weld had been a local and federal prosecutor. As gubernatorial candidates, they had campaigned as tough on crime, avid environmentalists, supporters of gay rights, and pro-choice on abortion.

But if Wilson and Weld were twins, they were hardly identical. Wilson is the classic workaholic, rising at dawn to work out on an exercise machine and often laboring on minute details of policy past midnight. He's also hypersensitive to criticism, hates to negotiate, and loves to pick fights; one Republican consultant says Wilson "is always looking for bullets to bite." Wilson often compares himself to Ronald Reagan—after all, Reagan also backed a hefty tax hike his first year in Sacramento—but in style and disposition he resembles Jimmy Carter more than the Great Communicator.



Facing a budget crisis, Wilson repudiated the legacy of the California tax revolt, raising taxes by $8 billion.

Weld, on the other hand, sometimes plays squash in the middle of the day and self-deprecatingly says he's "a little lazy." A Massachusetts Republican legislator says Weld, who won his first election last November, readily admits mistakes; he's flexible but will "go to the mat" when he believes his stands are right. Still, the legislator says, "the governor never gets mad. He's a very nice guy and everybody likes him." Wilson likes Broadway show tunes; Weld, the early Rolling Stones.

The differences extend to their policies. Facing a budget crisis, Wilson repudiated the legacy of the California tax revolt—he raised taxes by $8 billion and increased spending by half that much. Weld, in contrast, stared down the big-government culture of "Taxachusetts." He balanced his state's budget with no new taxes or new government borrowing and cut total spending by 5.5 percent.

Wilson and Weld made these decisions on politics and policy consciously, and their approaches reflect a fundamental split in the way they view government. As two of the most prominent Republicans outside of Washington, they have the opportunity to define the governing ideas of the post-Reagan party. Will the GOP adopt the tax, spend, and regulate policies of Pete Wilson's big-government conservatism? Or will it embrace Bill Weld, the good-government conservative who wants to shrink state programs, keep taxes under control, and emphasize efficiency and private initiatives over bureaucracy? Contrary to Election Day perspectives, neither Wilson nor Weld is a moderate. Both have ideas and ambitions that could remake the GOP.

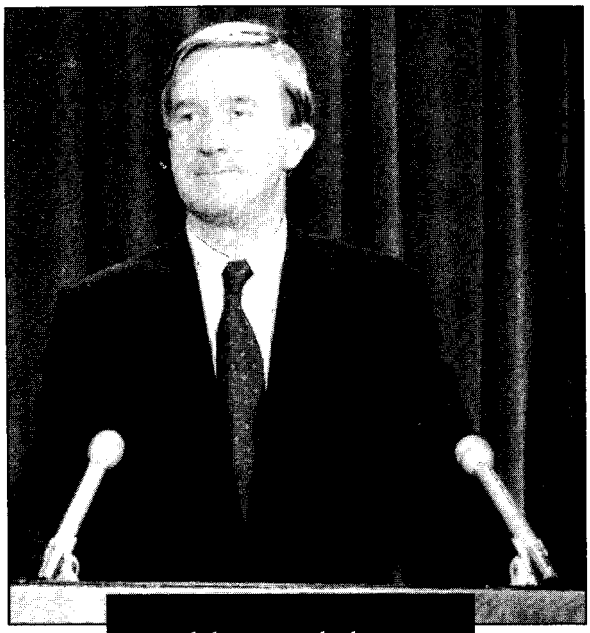
"I sometimes feel like I've been campaigning since the day I was elected," then-Sen. Wilson told *Business Week* in December 1987. It is his relentless drive, rather than any policy position or legislative accomplishment, that distinguishes Wilson. He is a professional politician, a nonstop campaigner—and very successful at his business. His 1988 Senate race made Wilson the number-one vote getter in the history of California.

No sooner had he chalked up that victory than Wilson had the rarest of opportunities—a chance to run for governor as the consensus Republican candidate. A fissure as destructive as the San Andreas fault splits the state GOP along geographic and ideological lines. In the South are the fire-breathing, tax-cutting Proposition 13 babies, many of them social conservatives. The Bay Area, by contrast, is home to the moderates, Atari Republicans who are liberal on social and environmental policy and squishy on taxes.

Under normal circumstances, California Republicans have a pathological compulsion to eat their young; the 11th Commandment ("Thou shalt not speak ill of a fellow Republican") doesn't apply in the state. In the 1986 U.S. Senate primary, right-wing television commentator Bruce Herschensohn lost to moderate Rep. Ed Zschau. When Zschau faced Alan Cranston that November, conservatives wouldn't give Zschau any money; he lost to Cranston by a few thousand votes. Similarly divisive races are shaping up for the two Senate seats open in 1992.

Although he hails from San Diego, Wilson represents the moderate wing of Zschau and Northern California. He opposed Prop. 13 and supported Gerald Ford, not Ronald Reagan, in 1976. But when Gov. George Deukmejian announced that he wouldn't seek a third term, Republican conservatives quickly joined moderates to back Wilson. Shortly after Deukmejian's announcement, Republican Assemblyman Tom McClintock, the most fiscally conservative legislator in Sacramento, introduced a petition in the Assembly asking Wilson to run for governor. McClintock would soon regret that support.

The reason for the fleeting unity was reapportionment. California will add seven congressional seats to its 45-member delegation in 1992, and Republicans would dearly love to undo Democratic gerrymandering. The last time districts were drawn, Democrats held both the state house and the governor's mansion. Today, although neither party has a big edge in voter registration, Democrats occupy three-fourths of the seats in the



state Senate and 26 of the 45 congressional seats. If Republicans had undertaken their usual primary bloodbath in 1990, a Democrat might have easily won the governor's race. Instead, conservatives figured a Republican governor—even a moderate one—would give the party a chance to veto any reapportionment plan that kept the Democrats entrenched. So while Bill Weld was pumping more than $1 million of his own money into a Massachusetts primary campaign, Pete Wilson was cashing campaign checks and preparing for a Democratic opponent.

He had a tough time against former San Francisco Mayor Dianne Feinstein—a centrist who supports the death penalty, a probusiness "outsider" more conservative than Democratic party regulars. Reapportionment solidified Republican support for Wilson. But independent voters narrowly favored him for three other reasons: his opposition to hiring quotas, his antitax rhetoric, and his promise to appoint conservatives to the state bench. These were the only substantive differences between the candidates. Wilson got 49 percent of the vote, Feinstein, 46 percent.

Weld stared down the big-government culture of "Taxachusetts," balancing the state's budget with no new taxes or borrowing.

Wilson's ad campaign was run by Larry McCarthy, a creator of the Willie Horton commercials. Wilson didn't have Willie Horton, but he did have Willie Brown. The state Assembly speaker is a 26-year veteran and the most feared politician in the state. Brown, the consummate power broker, relishes his ability to break campaigns and careers. The speaker once described a series of ads he orchestrated as "the biggest con job" in state history. In his TV commercials and on the stump last year, Wilson warned that Feinstein would appoint Brown as her "vice governor." Instead, it is Wilson himself who has teamed up with Brown.

Republicans have 31 votes in the 80-member Assembly, plenty to sustain a veto. And the California Constitution requires a two-thirds majority in both the Assembly and the Senate to pass tax hikes—meaning the Assembly Republicans can block any increase if they vote as a group.

Unlike Deukmejian, who pumped up law-enforcement spending but whose legislative agenda consisted mainly of budget vetoes, Wilson is an activist—many say the most ambitious governor California has seen since Pat Brown in the 1960s. "He sounded like Dianne Feinstein when he gave his State of the State address," Willie Brown said approvingly in late July.

Despite the lopsided defeats of several environmentalist ballot initiatives in 1990, Wilson has pushed for a California Environmental Protection Agency to regulate pesticides and an aggressive $630-million program called "Resourceful California" to buy up land for preservation. "Though we face a serious budget crisis," he said in April, "California will not cut back state environmental protection."

Even more sacrosanct to Wilson is a series of state-funded prenatal and early-childhood programs he calls "preventive government." Such spending, the governor believes, will save welfare money down the road. The new budget contains $175 million for preventive government programs, including prenatal care and health and counseling services for families with small children. Wilson's budget also adds $7 million in state money to family-planning clinics that lost federal abortion funding because of the recent *Rust* decision by the U.S. Supreme Court.

The new programs exacerbated the budget crisis Wilson faced from his first day in office. As the June 30 deadline to pass a budget came and went, Wilson's $55.7-billion budget remained $14.3 billion in the red. To balance it, the governor cut welfare grants by 4.4 percent and suspended entitlement cost-of-living increases for five years; he also reduced state-employee salaries by 5 percent and froze other salary increases. The cuts totaled $5 billion.

But that's all the cutting Wilson attempted. The rest of the gap was filled by $1 billion in accounting tricks and a whopping $8 billion in new taxes. (A *Los Angeles Times* analysis of the budget shows that $3.6 billion in "cuts" are actually still more accounting gimmicks and some unclaimed federal revenue. The *Times* also notes that general-fund spending in this budget *increased* by 7 percent. And future revenue projections are based on an economic growth rate of 3.5 percent this year, 10.5 percent next year, and 8 percent annually after that.)

Despite having attacked Feinstein for just such proposals, Wilson raised income-tax rates for families making more than $100,000 a year. He also went along with a 1.25-cent hike in sales taxes (putting the rate at 7.25 percent statewide, higher in many counties). The range of taxable items expanded, too, with the first-ever tax on newspapers and magazines and a confusing new tax on "snacks." For example, under the snack tax, doughnuts packaged on a grocery-store shelf are taxable; doughnuts bought from a bakery aren't. Commentators from David Brinkley to the anchors of ESPN's "SportsCenter" have poked fun at the befuddling tax.

With the support of Speaker Brown, Wilson had little trouble rallying the Democrats behind more taxes and spending. He then alternately threatened and cajoled moderate Assembly

Republicans to buck their conservative leaders and pass his program. Wilson eventually wooed the defectors he needed.

Wilson promises to remember the nine Assembly members who backed his tax and spending hikes and threatens to campaign against the Republicans who crossed him. GOP Assembly leader Ross Johnson lost his leadership post to a pro-Wilson assemblyman right after the budget passed. Tom McClintock, who spearheaded opposition to Wilson's tax hikes, says sources in Sacramento tell him that he is "number one on Wilson's hit list" for a primary challenge in the 1992 campaign.

And the governor isn't just out to punish his opponents in the budget fight. Rather, he plans a facelift for the California Republican Party. He wants to trim away the antitax social conservatism of Orange County and sculpt a party representing "compassionate conservatism."

Wherever possible, Wilson picks fights with the right. Distrustful of ideology, he has referred to conservative hard-liners as "fucking irrelevants," leading some to call themselves "F.I.s" with pride. During the budget battle, pro-Wilson forces routinely referred to Assembly holdouts as "cavemen," a term the usually gray *Los Angeles Times* also promoted.

Since Wilson's abortion views are more popular than his tax raising (even Orange County voters lean toward the pro-choice side), he tries to conflate the two issues. In a July Scripps-Howard news story, for example, he implied against all evidence that the budget fight wasn't about taxes but abortion. "I find it interesting," he said, "that the people who have been the most vocal critics [of the budget compromise] also aggressively have the [anti-abortion] agenda."

But an anti-Wilson backlash lives. Consider two July special elections for vacant Assembly seats. In Orange County, a Wilson-backed city council member lost to an underfunded conservative. In a Sacramento district, Wilson backed B.T. Collins, a charismatic Vietnam veteran and former Democratic Gov. Jerry Brown's chief of staff. After getting at least $35,000 in Republican National Committee money, Collins squeaked by an anti-abortion tax cutter so stridently conservative that some of the anti-Wilson forces privately felt uncomfortable supporting her.

These days, Wilson has a fan club whose membership list most Republicans wouldn't envy. Such praises as "fair," "responsible," and "pragmatic" regularly flow from Democrats' lips. Wilson told *The New York Times*, "I'm not complaining about how I've been treated by the Democrats."

For McClintock, who once enthusiastically backed Wilson, this time has been particularly tough. McClintock isn't merely a rhetorical bomb-thrower. A former Assembly minority whip, he wants to give the California GOP a positive agenda that includes such programs as school choice, and he has mounted two respectable, though unsuccessful, campaigns for the job of Republican Assembly leader. McClintock, who periodically dashes over to a laptop computer to pull up exact figures on the magnitude of spending increases, thinks Wilson's budget policies have hurt not only the taxpayers but also the party.

"Had I known then what I know today," he says, "I would have actively campaigned for Dianne Feinstein, simply because she wouldn't have dared to raise taxes as much as Pete Wilson has done."

Wilson's goal, claims one of his deputy chiefs of staff, is "a permanent long-term downsizing in state government." In Sacramento, downsizing apparently means higher spending and new government programs. In Boston, it actually means making government smaller.

"My first day here," recalls Massachusetts Treasurer Joseph Malone, "I walked into the State House and saw 12 teller windows in the lobby. I asked, Are we running a bank? We had 12 state employees who did nothing but cash checks for elected officials and other government workers. We tied up $1.2 million—not earning interest—to have money available to cash checks. We also had to pay $50,000 to insure the cash in case we got robbed. So I wondered—Why don't we put in an automatic teller machine?" Those teller windows are now closed.

Yep, times have changed on Beacon Hill. Gov. William Weld, backed by fellow Republican Malone and just enough state senators to sustain a veto, survived two bitter budget fights in his first six months in office and closed a deficit of almost $3 billion without new taxes or additional borrowing. John Moffitt, Weld's chief secretary and senior policy adviser, argues that this administration wants to do more than balance the budget. "We want to change the political culture in Massachusetts," he says.

In November 1988, Gov. Michael Dukakis lost more than the White House—he lost most of his supporters in the Bay State. A regional recession exacerbated by cuts in defense contracts for area firms had turned the Massachusetts Miracle into mush. The candidates who ran to succeed him in 1990 shared one theme: They weren't Mike Dukakis.

Weld had never won an election before and was hardly the favorite to win this one. Massachusetts isn't friendly Republican territory: Registered Democrats outnumber Republicans in the Bay State 3 to 1. Weld's ideology was also hard to pin down. He ran conservative Rep. Phil Crane's 1980 presidential campaign in the state, but he represents the patrician, moderate wing of the Republican party. Conservatives backed Steven Pierce, the minority leader in the state House of Representatives and a tough social conservative. Pierce won the nonbinding state Republican convention by a 3-to-2 margin. Several of Weld's closest friends and advisers urged him to drop out of the race.

But the lanky Yankee hung in there. In the September primary, he beat Pierce with nearly 60 percent of the vote. Then he narrowly defeated acerbic Boston University President John Silber in the general election, getting 48 percent of the vote to Silber's 45. "Beating John Silber was actually the easiest thing

we did last year," says Moffitt, who ran Weld's campaign.

Life didn't get any easier after the inauguration. Dukakis had stopped managing the state's fiscal affairs when his presidential campaign ended. The recession had caused tax receipts to plummet. Unemployment had risen from 3.2 percent in 1987 to 9.5 percent; other welfare claims pushed spending skyward. And even though the Dukakis administration had annually raised taxes, it had also relied so heavily on borrowing that the state's bond rating was the lowest in the nation. Wall Street financiers said any new Massachusetts securities would be classified as junk bonds. The new governor would have few options.

Wilson is the classic workaholic, often laboring over minute policy details past midnight.

As Moffitt notes, there are three ways to take care of a deficit: tax, borrow, or cut spending. "We pledged no new taxes," he says. "Wall Street said, No new borrowing. So we had to cut."

And cut immediately. The $13.5-billion 1991 budget was $830 million in the red when Weld took office. So Weld furloughed state employees for 10 days, delayed funding Dukakis's "play or pay" healthcare plan for two years, and got approval from the legislature to make other budget cuts unilaterally. He also took a bold supply-side move, repealing a new 5-percent tax on professional services. The Democratic leadership was so discredited after the election that Weld could push through almost anything he wanted.

Weld has a powerful legislative weapon to use against the Democrats—16 Republican votes in the 40-member Senate, enough to uphold his veto. (Republicans are outnumbered 121 to 38 in the House.) And, unlike Wilson, he has used that advantage to hold down taxes and spending.

Before Weld, the Massachusetts governor and legislators used to decide what they wanted to spend, then raise taxes to pay for it—essentially the approach Wilson used in California. "Now," Moffitt says, "we see what revenues we expect to collect and then decide how much we can *afford* to spend."

A number of Weld's budget-cutting moves were one-time procedural maneuvers such as the employee furloughs. But he also took on the Massachusetts welfare state. The July budget all but eliminated General Relief—a $213-million program serving 40,000 people who don't usually qualify for AFDC and other welfare benefits. Weld's budget included enough money to fund the program for only six weeks. The governor raised a few eyebrows (and drew some fire from the left) when, as he signed the budget, he said, "We want to make the safety net a trampoline as opposed to a hammock."

Another controversial move drew attention from conservative pundits. An employee in the Department of Public Welfare found that the Bay State qualified for $513 million in federal Medicaid reimbursement it hadn't claimed in the past. This windfall put the Massachusetts budget in the black for fiscal 1991 and provided $200 million in revenue for the current year.

While out-of-state fiscal watchdogs roundly criticized Weld for accepting the federal largess, area conservatives heaved a sigh of relief. State Rep. Peter Blute, a vocal advocate of tax cutting and privatization, says, "The governor delivered a [1992] budget that was nearly $1 billion smaller than last year's without new taxes or new borrowing. For this, he deserves all the credit in the world."

Indeed, the budget Weld signed spends 5.5 percent less than the one he inherited. But Weld offers more than merely tax cuts and spending restraint. He speaks of a different way for the state to do business: entrepreneurial government.

Weld's vision of a "downsized" government that will "steer rather than row" is articulated by Chief Secretary Moffitt. He says the issue in providing government services is not "public versus private," but instead "monopoly versus competition. We don't ask what services government should or should not provide." Instead the Weld administration tries to find the most efficient way to deliver services to the citizens of the state.

The benefits of moving from public to private provision of services, Weld said in June, are "those benefits that accrue, not from charity, but from the 'invisible hand' of the free market: management efficiencies, technological innovation, programmatic change." Before the state will privatize an existing service, it demands contracts that clearly spell out the scope of the work to be performed: competitive price bidding; limited-term contracts that have to be renewed frequently; and strict oversight mechanisms—and opportunities to renegotiate contracts if services don't get delivered.

A prime target for privatization, and perhaps the most visible symbol of the struggle between the old Democratic patronage system and Weld's entrepreneurial approach is the John B. Hynes Veterans Memorial Convention Center in Boston. In 1982, the legislature created the Massachusetts Convention Center Authority to operate the Hynes Center and an adjacent parking garage. The state Senate president's chief of staff, one Francis X. Joyce, was given life tenure as the MCCA's executive director.

Revenue from the garage was supposed to provide enough

money to operate the Hynes Center without further subsidies. Instead, says Rep. Blute, "it's become a classic boondoggle." A study conducted by the state treasurer's office estimates that the convention center is a net drain on state tax coffers.

Under MCCA administration, both the center and the garage have begun to fall apart. Renovations, estimates the state auditor, will cost $500 million. To make matters worse, the authority is embroiled in a lawsuit with a construction company that has already cost $3 million in legal fees; if the MCCA loses, it will have to pay $30 million in fines. And the authority, the *Boston Globe* reports, is diverting money from repair funds to cover its operating deficit.

In the 1992 budget, the legislature approved a $5-million subsidy for the Hynes Center. Weld vetoed the subsidy. Like Treasurer Malone, who now serves as chairman of the MCCA's board of directors, the governor wants to sell the parking garage and, if revenue doesn't pick up, the convention center itself.

In response, Executive Director Joyce blasted Malone—his boss—in the *Globe*, claiming the treasurer is driven by "reckless political ambition" to undermine Joyce and his staff. Malone's response? "I suggest they start serving decaf over at the convention center." Fans of entrepreneurial government recognize how powerful a message the Hynes Center battle sends to the old guard: If the state privatizes the Hynes Center, other havens of Democratic patronage could follow.

As an elected official, Malone provides Weld with independent prodding he couldn't get from an appointed treasurer and with needed political cover. Unlike the stereotypical Boston Irish politician, who doles out political patronage as easily as he shakes hands and kisses babies, Malone is a staunch advocate of downsizing. "Malone and Weld are trying to outdo one another on privatization," says Blute.

Malone can already point to successes. As the administrator of the state lottery, he ordered a review of the state-employed couriers who collect daily lottery sales. Some couriers drove $20,000 cars; on average, they made only 15 stops per day. Malone got rid of the couriers and contracted with United Parcel Service to handle lottery pickups. UPS drivers make 150 stops a day and save taxpayers $2.75 million in annual pickup costs. The state-employee unions screamed, but Malone became a populist hero. Just after he canned the couriers, he says, fans at a Boston Bruins game recognized him and chanted his name.

On privatization, Weld's ambitions are more impressive than his accomplishments. The governor has established a State Task Force on Privatization and backed the Pioneer Institute's "Better Government Competition" to generate money-saving ideas for state government. Among the winners: a proposal by the Reason Foundation to sell Boston's Logan Airport, generating $700 million from the sale and $18 million in annual property-tax revenue; a recommendation from a state employee that private firms operate pharmacies in state hospitals; and a plan from a parking lot operator to convert unused state-owned real estate into revenue-producing parking lots. The administration is now studying whether these moves will indeed save money, and if so, how many of them they can implement without the legislature's approval.

Massachusetts's downsizing is still far from irreversible, and some fiscal conservatives blame Weld for worrying too much about balancing the budget and not enough about implementing structural reforms. So far, the only privatization outside the treasurer's jurisdiction has been for the care of several dozen mentally retarded residents. The private care is both more personal and cheaper—a fine example of getting more for less—but it represents a very modest beginning.

Jeff Jacoby, chief editorial writer for the *Boston Herald*, also zings the governor for not trying harder to change people's attitudes about government. "When Bill says the safety net should be a trampoline and not a hammock," Jacoby says, "he's also got to explain why that is a compassionate position. He's got to show why welfare dependency doesn't help the poor. Massachusetts is no haven for conservatism or libertarianism. Bill Weld needs to take every opportunity to use the bully pulpit to tell the people why his vision works and why it is right."

Last year, journalist Fred Barnes caused a stir in political and public-policy circles when, in *The American Spectator*, he identified a new type of political animal: the Big Government Conservative. Unlike conservatives in the Reagan administration, who ideologically opposed many government programs, Barnes wrote, conservatives in the Bush White House like government and aggressively push more spending for their pet projects. They also share a benign view of government activism that serves "conservative" ends—drug-free neighborhoods, home ownership, and the like.

For ambitious politicians like Wilson, big government seems essential. The electoral system rewards officials who offer benefits to easily identified groups of constituents, and the media spotlight people who establish interesting programs. Keeping a lid on taxes and spending may have worked for George Deukmejian, who had no higher ambitions, but it's insufficiently flashy for a would-be president like Pete Wilson.

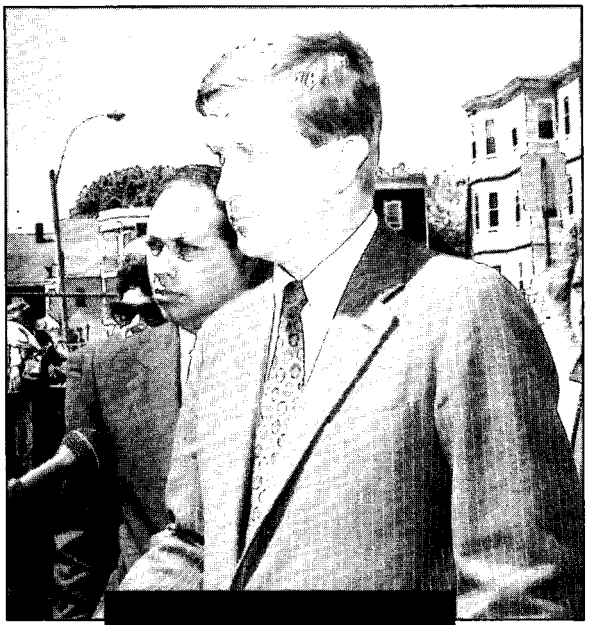
As Wilson has discovered, however, big government is hard to pursue these days. You can't buy "preventive government" and millions of dollars of wetlands without finding the money to pay for them—and, at the state level, that means socking the taxpayers. While the federal government can run deficits, governors have to balance their budgets. And heavy borrowers such as Massachusetts now find Wall Street a less hospitable place to raise money.

Bill Weld's entrepreneurial government suggests a more positive model of conservatism. He is both a fiscal tightwad and an activist. But his pet projects include such government-limiting initiatives as privatization and school choice, allowing him to increase competition and shrink the size of government while establishing a reputation as an innovator. Call him a "good-government conservative."

Good-government conservatives have an entrepreneurial message: They laud efficiency, innovation, and flexibility.

They want taxpayers to receive the maximum amount of service per dollar, and they believe the best way to keep service providers lean and honest is to force them to compete. If a program or an agency doesn't deliver, they want to know who's responsible and what it takes to fix the problem.

Good-government conservatives focus on ends rather than means. Weld notes that 78 pages of regulations controlling state child-care providers dictate "everything from mandated staffing ratios to the required kinds of dress-up clothes." But alternatives that include volunteers and "foster grandparents" aren't allowed because they don't meet the state specs. Weld wants to toss out those restrictions.



Weld readily admits mistakes; he's flexible but will "go to the mat" on matters of principle.

The differences between conservatives of the "big-government" and "good-government" models seem subtle. Good-government conservatives aren't libertarian purists, after all, and they can fall prey to the lure of regulations, which, unlike big new programs, don't demand tax increases. In general, Weld is skeptical of economic regulations, which he says, "encourage complacency, reward stagnation, and inflate prices." But he calls environmental policy "an exception to my overall libertarian cast"—and he has embraced a strong command-and-control approach, supporting a bill that requires packaging to be reusable five times, made of 25-percent recyclable materials, or 25-percent smaller than the same packaging used five years ago. When he endorsed the packaging bill, Weld said, "government may have to become more intrusive rather than less."

Some of the good-government triumphs in Massachusetts sound symbolic—replacing check cashers and lottery couriers—but those actions suggest a commitment both to efficiency and to limiting government itself. Why, after all, should the Commonwealth of Massachusetts be in the courier business? Before Weld and Malone, no one even asked the question.

Weld, says *U.S. News* writer and political analyst Michael Barone, is someone "who sees government doing four times more than it should and [is] trying to cut it back." The Weld administration provides an opportunity to see whether gradualism, backed by limited-government principles, can earn rewards in the electoral system.

Ultimately, the success Wilson and Weld enjoy in reshaping "moderate" Republicanism will be measured by how far each rises electorally. Both governors have their eyes on higher office, although they remain coy about their ambitions. The 57-year-old Wilson sees himself as an alternative to Dan Quayle for president in 1996. Rumors say that Weld, only 46, next has his sights on Ted Kennedy's Senate seat in 1994. (A late-July *Boston Herald* poll had Weld running ahead of Kennedy, in a speculative race, 59 percent to 34 percent.)

Some also see Weld as a potential president. Several close advisers, including Moffitt, apparently believe Weld can better enhance his credentials as a reformer and an innovator if he seeks a second term on Beacon Hill rather than a brief stay on Capitol Hill. For now, Weld is keeping his options open.

The electoral system should provide plenty of feedback to both men. If Pete Wilson faces heated budget battles each year, and a damaging 1994 primary challenge from the right, he could easily lose to a Democrat in the general election. And if Weld loses two Republican Senate votes in the 1992 elections, the Democrats on Beacon Hill could thwart any future downsizing. Weld could be a lame duck for half his term.

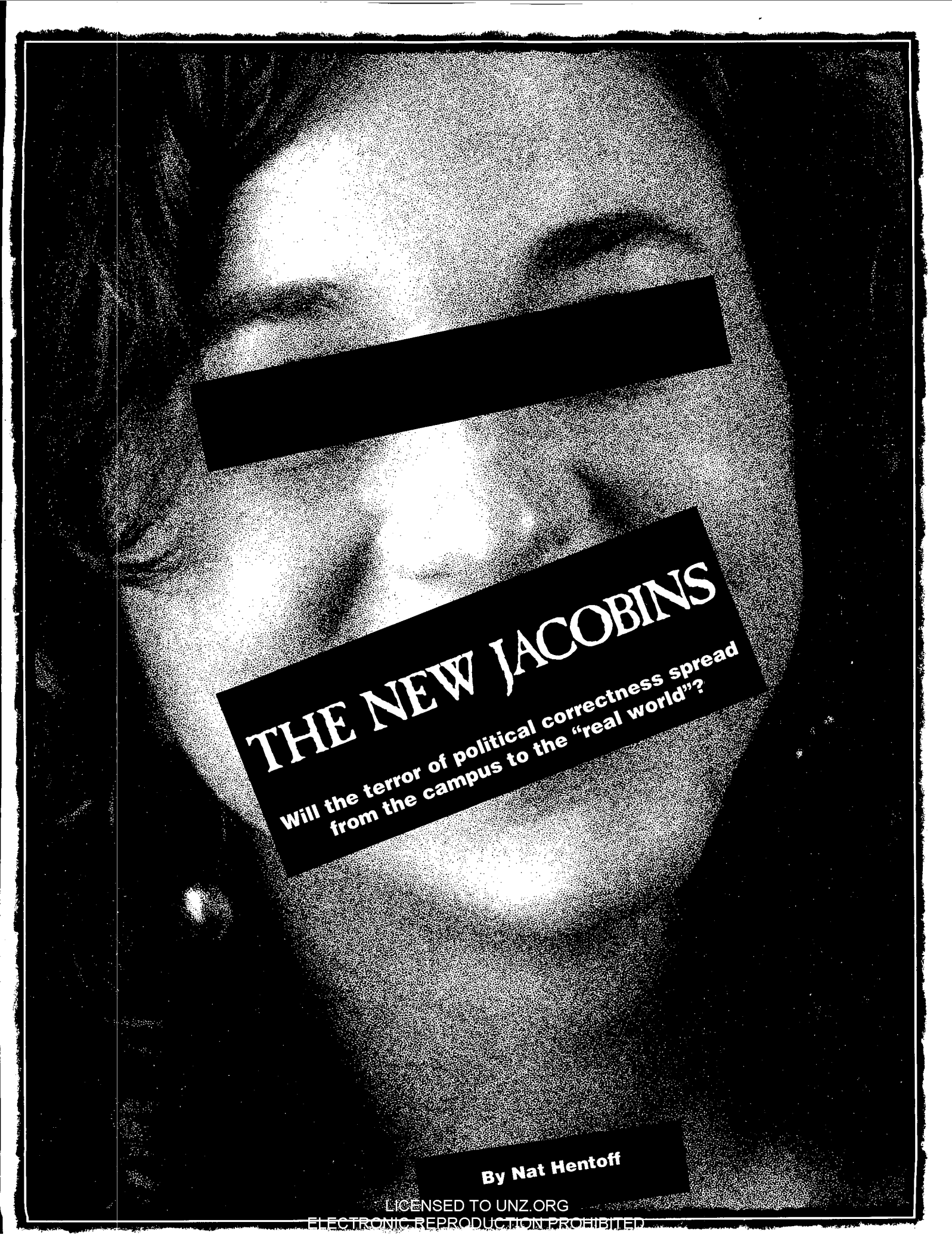
The governor who draws raves from the purveyors of conventional wisdom is, of course, Pete Wilson. Lou Cannon of *The Washington Post* writes that, in the budget crisis, "Wilson demonstrated leadership that will win him respect and make him a formidable contender" for the 1996 presidential nomination. David Broder calls Wilson "the most interesting and important American politician outside the White House today." Weld has received some coverage in the business press for his tax cutting but has been largely ignored by political reporters.

If good-government conservatism takes root in other states, it will be despite, not because of, the media. This summer the mavens of Beltway punditry needed a wake-up call, for they missed the real story in the nation's state houses. Who cares if a lifelong politician, backed by a liberal legislature, pushed through tax increases? In Massachusetts, a first-time election winner unapologetically defied his state's prevailing culture by cutting taxes in the face of a $3-billion deficit.

Bill Weld signed the Massachusetts budget on July 10. The producers of "The MacNeil/Lehrer NewsHour" wanted Weld to be on the show the next day with other governors facing budget stalemates.

Assistant Treasurer David Railsback says the show's producers didn't realize that Weld had just signed the budget. When they discovered the crisis was over, they canceled Weld's appearance. "In effect," muses Railsback, the "MacNeil/Lehrer" staff "said to the governor, Get out of here. We want people with a problem." ■

Rick Henderson is assistant managing editor of REASON.



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In June, on PBS, I was a member of a seminar on "Safe Speech, Free Speech and the University." We were discussing the rising tide of college speech codes—punishing students for a wide, vague spectrum of "offensive" speech. The session was held at Stanford University, which has enacted a typically slippery code that can ensnare students who have no idea they are breaking it.

There were two Stanford students and one recently graduated Stanford alumnus on the panel. Two were black; the other was Asian-American. All were bright, articulate, and firmly in favor of punishing speech for the greater good of civility on campus.

During the past two years, I have visited over 20 colleges and universities around the country, from Penn State and Columbia University to the University of Utah and the University of Tennessee. With few exceptions, I have found that minority students—and women—do indeed believe that the First Amendment (and its spirit in private institutions) must bend when hate speech is at issue.

When I tell them that James Madison, the architect of the First Amendment, intended it to be of most value in times of bitter crisis, they point out, with various degrees of civility, that Madison, a dead white male, lived in a time of slavery. He and the First Amendment are abstractions.

Many white male students, faculty members, and administrators are also convinced that speech must have its limits if racism, sexism, and homophobia are to be extirpated in and out of the classroom. They would banish professors infected with any or all of those viruses.

Indeed, most of the white, liberal students who consider themselves activists look at you with genuine puzzlement when you tell them how Oliver Wendell Holmes described the test of free speech: "If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us but freedom of thought that we hate."

Another abstraction.

These new Jacobins are powered by a genuine faith that they are working for an undeniable good—creating and sustaining true equality on campus by eradicating speech that makes minorities, women, and gays feel unwanted. Convinced that they are occupying the moral high ground, they see their opponents as using free speech as a cover for their own racism, sexism, or disgraceful indifference.

And they are joined by the undeniably influential editorial writers of *The New York Times* who—on May 12, 1991—described as "sloganeering" any attempts to criticize "political correctness" on campus. "The real danger," said the *Times*, "is the rising tide of hate."

The *Times* approves of campus speech codes—as if it is necessary to curb speech in order to curb bigotry. Educators presumably have no other way to educate students out of what they have learned at home or among poisoned peers.

Underlying this conflict between the relatively few free-speech students and administrators, on the one hand, and the censors-for-the-common-good on the other is a deeper debate: proponents of civil rights vs. proponents of civil liberties. It has hardly been mentioned in the abundance of reports on the civil wars on the campuses.

Among the law professors on the PBS panel were Thomas Grey of Stanford, who is white, and Randall Kennedy of Harvard, who is black. Grey essentially wrote the Stanford speech code and Kennedy—himself a powerful exemplar of free speech and thought—is in favor of college codes.

Both Grey and Kennedy served as clerks to J. Skelly Wright on the U.S. Court of Appeals for the District of Columbia Circuit. Wright was a courageous, indomitable defender and implementer of civil rights. Both Grey and Kennedy also served as clerks to Thurgood Marshall on the Supreme Court. Marshall, while a consistent advocate of free speech, has been most influential as a paladin of civil rights.

Throughout the country, both on campus and off, there is an intense conflict between civil-rights and civil-liberties students, administrators, and professors. In the American Civil Liberties Union—whose national board declared its opposition to college speech codes only after lengthy debate—the legal director, John Powell, who is black, still maintains that a balance has to be struck in these matters between the First and the 14th Amendments. The latter guarantees everyone equal protection under the law. Powell and the civil-rights legions argue that students have the right to be protected from demeaning and denigrating speech if they are to be, and feel, equal on campus.

This split between civil-rights and civil-liberties forces has been dramatically evident during debates about college speech codes on various boards of affiliates of the ACLU. Black board members, with exceptions, have called for support of the speech codes.

During months of conflict on the board of the Civil Liberties Union of Massachusetts, the Rev. Grayson Ellis-Hagler—pastor of the Church of the United Community in Boston's Roxbury section and a renowned citywide civil-rights activist—distinguished between the "purist" civil libertarians (the First Amendment camp) and those with different life experiences, including black members of the board.

The latter, who know what it is to struggle for civil rights and against discrimination, must, said Ellis-Hagler "send a clear message that some forms of speech cannot be permitted." And not only on college campuses.

Ellis-Hagler was and is opposed to the ACLU's 1977 defense of the native Nazis who wanted to demonstrate in Skokie, Illinois, with its large Jewish population—including survivors of the Holocaust. Also opposed to the ACLU action in Skokie are most of the students I have met who are for limiting "bad" speech on campus.

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A conclusion from this division among people of good intentions is that—in almost any context—the First Amendment has a very small constituency. And when it is put up against such desirable goals as the control of bigotry, it fades—for most people—in importance.

Furthermore, civil liberties have to do, most of the time, with protection of the individual. Civil rights, on the other hand, are usually regarded, and litigated, as group rights. And that is a fundamental conflict in the battle over curbing speech on campus.

On the June 18, 1991, "MacNeil/Lehrer NewsHour," Molafi Asante, chairman of the African-American Studies department at Temple University, said: "You have certainly the individual's right to say whatever he or she pleases to say. I mean, that is fundamental to the Constitution itself. You have the other point to this, of course, which is the collective interest....What is the collective interest? What is best for the community? What is best for the society? And certainly I think the whole question of insensitivity is basic to this issue. And if an individual is insensitive to his or her peers or colleagues, then I think that certainly the university should be concerned about this."

Those most stifled by the pall of orthodoxy on campus are not conservatives but independent-minded liberals and moderates.

This statement—more carefully wrought than most—exemplifies the ritual of balancing free speech into the back of the bus. Yes, it is "fundamental to the Constitution itself," but when the chips are down, the university must put "sensitivity" first.

By rather lonely contrast there is the view—and practice—of Benno Schmidt, president of Yale. The great majority of college presidents have either put a speech code in place as a quick, cheap way of pretending they're doing something about bigotry, or they have hunkered down and tried to avoid the subject. Schmidt continually, consistently, confronts the question of free speech vs. the university as a community—with its corollary concerns of civility and sensitivity.

On the PBS program, Schmidt said: "I take a completely different view of what a university is....I don't think the university is first or foremost a community. It's not a place, first and foremost, that is about the inculcation of thought, habits, and mind that I might agree are correct and constructive.

"The university has a fundamental mission which is to search for the truth. And a university is a place where people have to have the right to speak the unspeakable and think the unthinkable and challenge the unchallengeable.

"Now, it's not a place of violence. It's not a place for threats....There's no place for violence, or threats of it, in a regime of freedom. But beyond that, I think that these [speech] codes make a terrible mistake....Students think that they are codes about building communities that are based on correct thoughts, and that's antithetical, I think, to the idea of a university."

The Jacobins—or "politically correct" cadres—have actually succeeded in helping to divide the university into a number of splintered "communities." But contrary to some of what's been written, they have not succeeded—on any campus I know—in squashing or even intimidating conservative students. (A growing number of "politically incorrect" professors, however, have been bedeviled into dropping courses because of the heat, including classroom disruptions by the Jacobins.)

Conservative students enjoy their newfound role as champions of free speech, taking great sardonic pleasure in depicting the righteous left as neo-McCarthyites. On many campuses, conservatives—usually with the help of funds from highly conservative foundations—are publishing alternative papers. They tend to be quite lively and witty (humor being in exceedingly short supply among the Jacobins). And these papers take much muckraking pleasure in exposing the surrenders, small and large, of university administrators to the demands of the politically correct.

Those most stifled by the pall of orthodoxy on campus are students who are liberals of an independent mind, and moderates. On campus after campus, from Brown to Stanford, I have talked to students who say there are some views they hold—or questions they want to ask—that they no longer bring up in class or in most places outside of class. It's not worth the hassle of being sent to Coventry. Questions, for example, about affirmative action. How far should it go? Questions about abortion. Should the father have any say at all in what happens to the fetus?

One brave student at New York University Law School, Barry Endick, actually signed his name to a complaint about this bristling orthodoxy, in a letter in the law school student publication *The Commentator.* He told of the atmosphere in the law school created by "a host of watchdog committees and a generally hostile classroom reception regarding any student right of center." This "can be arguably viewed as symptomatic of a prevailing spirit of academic and social intolerance of...any idea which is not 'politically cor-

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rect.'...We ought to examine why students, so anxious to wield the Fourteenth Amendment, give short shrift to the First. Yes, Virginia, there are racist assholes. And you know what? The Constitution protects them too."

And there are law schools with speech codes. The most egregious code belongs to the State University of New York at Buffalo School of Law. Again, it begins with the obligatory obeisance to freedom of speech and thought—which it then takes away: "Every intellectual community worthy of the name thrives on sharp and heated controversy—on the free and full expression of opposing ideas and values; on impassioned arguments for, and equally passionate arguments against. Given the particular professional skills required for the practice of law, law schools —including this one—especially prize and encourage such unencumbered give-and-take, the more lively and uninhibited the better."

However, "because the common law and two centuries of Constitutional tradition have long given American lawyers a special role in assuring fairness and securing equal treatment to all people, our intellectual community also shares values that *go beyond a mere standardized commitment to open and unrestrained debate.* We support the particular values shaped by the special traditions and responsibilities of the legal community to which all of us—students and faculty alike—belong." (Emphasis added.)

Any and all expressions of "bigotry, prejudice and discrimination are abhorrent to these traditions; they not only detract from the person uttering them, but reflect poorly upon the profession as a whole."

Therefore, "by entering law school, each student's absolute right to liberty of speech must also become tempered in its exercise, by the responsibility to promote equality and justice."

So, with astonishingly imprecise, vague, and overbroad language, the law school faculty says it will crack down on any and all remarks directed at another's "race, sex, religion, national origin, age, or sexual preference" as well as "racist, sexist, homophobic and anti-lesbian, ageist and ethnically derogatory statements." As if that weren't broad enough, also beyond the pale at Buffalo are "other remarks based on prejudice and group stereotype."

The sins of bad speech, moreover, will pursue the student after graduation: "Where such acts indicate that a student may lack sufficient moral character to be admitted to the practice of law, the school can and will make appropriate communication to the character and fitness committees of any bar to which such a student applies, including, where appropriate, *its conclusion that the student should not be admitted to practice law.*" (Emphasis added.)

I first learned of this vengeful view of law students' free-speech rights from two students at the law school. Both were members of the conservative Federalist Society. On inquiry, I found that indeed the only students against the policy were members of the Federalist Society. On the left, the law school chapter of the National Lawyers Guild was all for the code; and later, the national guild came out for speech codes everywhere.

Only one professor at the law school criticized the speech restrictions—and even he was careful to be circumspect. SUNY Buffalo is the most "politically correct" law school I have ever come across.

Around the country, most law professors—even the First Amendment specialists—have been silent on the speech codes, as well as other "politically correct" power trips. Similarly, most other professors, including liberals, have shied away from any direct confrontations with the Jacobins, even when other professors have been relentlessly attacked because of their "wrong ideas."

There is fear on campus, fear of being put on a list—as there was fear during the McCarthy years of being on a list. And in most places, the administrators do not protect those professors accused of being "racist" or "sexist." And they go after students so accused with cold zeal.

"Yes," says one brave law student, "there are racist assholes. And you know what? The Constitution protects them too."

Harvard law professor Alan Dershowitz—the boldest and bravest of First Amendment defenders—has written: "I feel this problem quite personally, since I happen to agree, as a matter of substance, with most 'politically correct' positions. But I am appalled at the intolerance of many who share my substantive views. And I worry about the impact of politically correct intolerance on the generation of leaders we are currently educating."

Leaders will indeed emerge from the ranks of these college and university graduates. Among them will be the lawyers, judges, educators, legislators, and Supreme Court justices of the future. And the mind-set with which they leave the campus in these years is: Some censorship is OK provided that the motivations are OK.

Nat Hentoff writes for The Village Voice.

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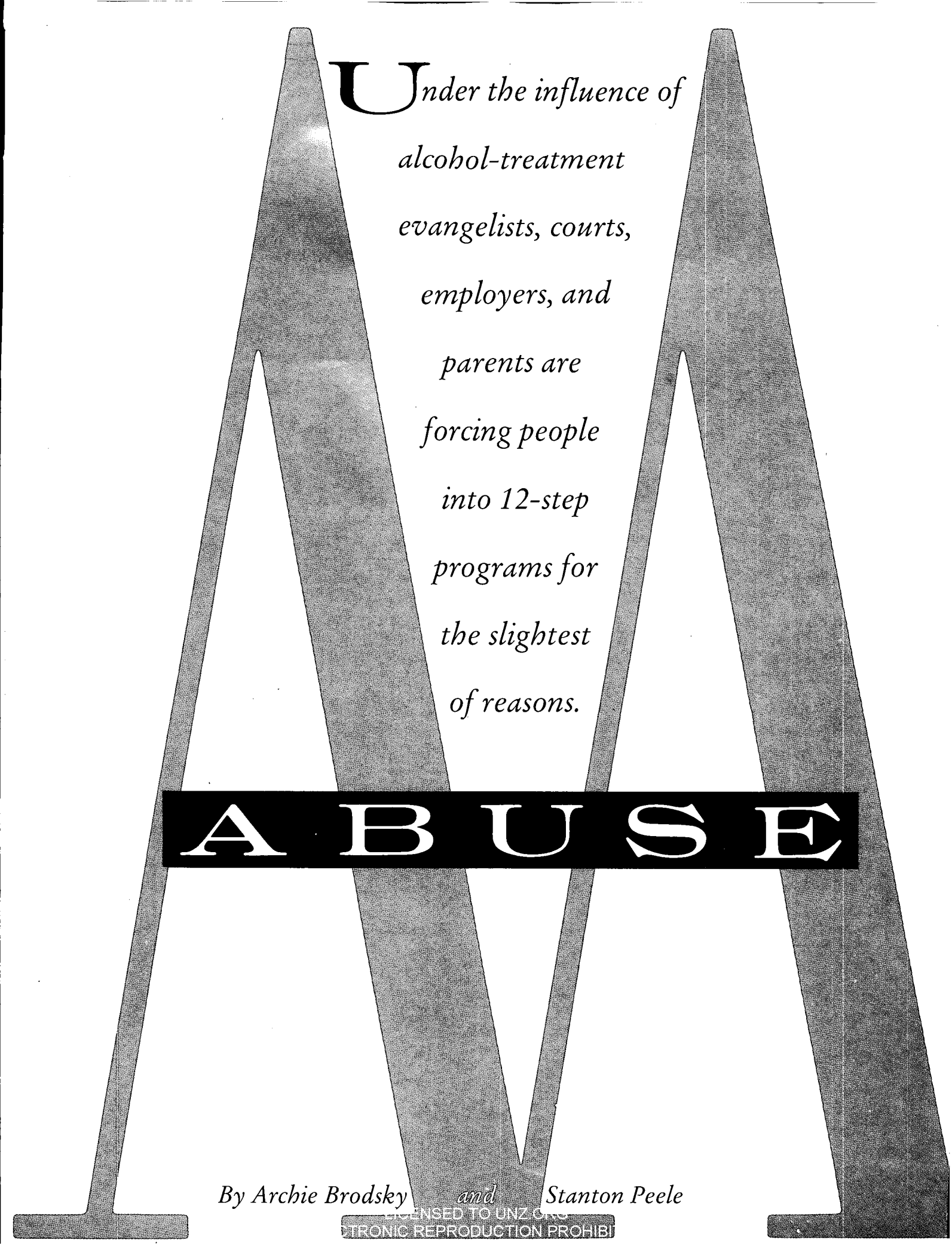

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A high-level delegation from the Soviet Union recently visited Quincy, Massachusetts, to learn how District Court Judge Albert L. Kramer handles drunk drivers. Kramer routinely sentences first-time driving-while-intoxicated (DWI) offenders to Right Turn, a private treatment program for alcoholism that requires participants to attend Alcoholics Anonymous meetings. The Soviet visitors enthusiastically embraced Kramer's program, which is also a favorite of the American media.

One would think that the Soviets were ahead of us in therapeutic coercion, given their history of incarcerating political dissenters under bogus psychiatric labels. But from their perspective Kramer's approach is innovative: A.A. treatment is a process of spiritual conversion that requires submission to a "higher power" (a.k.a. God). By adopting compulsory A.A. treatment, the Soviets would be shifting from a policy of enforced atheism to one of enforced religion.

Alcoholism treatment is today the standard sanction for DWI offenses in the United States, according to Constance Weisner of the Alcohol Research Group in Berkeley. "In fact, many states have transferred much of the handling of DWI offenses to alcohol treatment programs," she writes. In 1984, 2,551 public and private treatment programs in the United States reported providing DWI services for 864,000 individuals. In 1987, the 50 states devoted an average of 39 percent of their treatment units to DWI services. Some states continue to accelerate such treatment: From 1986 to 1988, Connecticut reported a 400-percent increase in the number of DWIs referred to treatment programs.

The response to drunk driving is part of the widespread American practice of forcing or pressuring people into A.A.-style treatment. The courts (through sentencing, probation, and parole), government licensing and social-service agencies, and mainstream institutions such as schools and employers are pushing more than a million people into treatment each year. The use of coercion and pressure to fill the rolls of treatment programs has distorted the U.S. approach to substance abuse: The A.A. model, which uses a spiritual approach to treat the "disease" of alcoholism, would not have as pervasive an influence under conditions of free choice.

Furthermore, prescribing treatment as a substitute for normal criminal, social, or workplace sanctions represents a national revision of traditional notions of individual responsibility. When called to account for misbehavior, the criminal, the delinquent teenager, the malingering employee, or the abusive supervisor has an out: Alcohol (or drugs) made me do it. But in exchange for the seductive explanation that substance abuse causes antisocial behavior, we allow state intrusion in people's private lives. When we surrender responsibility, we lose our freedom as well.

Consider some of the ways in which people end up in treatment:

➢A major airline ordered a pilot into treatment after a fellow employee reported that he had twice been arrested for drunk driving a decade earlier. To keep his job and his FAA license, the pilot has to continue treatment indefinitely, despite an impeccable work record, no work-related drinking incidents, no drinking problems or DWI arrests for years, and a clean diagnosis by an independent clinician.

➢Helen Terry, a city employee in Vancouver, Washington, was ostracized on the job after she testified in support of a colleague's sexual-harassment suit. Terry never drank more than a glass of wine in the evening. Nonetheless, based on an unconfirmed report that she had drunk too much at a social event, her superiors ordered her to admit she was an alcoholic and enter a treatment center, under threat of dismissal. A court awarded her more than $200,000 in damages after she sued the city for wrongful discharge and denial of due process.

➢A man seeking to adopt a child admitted he had used drugs heavily almost a decade earlier. Required to submit to diagnosis, he was labeled "chemically dependent" even though he had not used drugs for years. Still awaiting the completion of the adoption process, he now worries that he will be followed for the rest of his life by the stigma of "chemical dependence."

➢States routinely require "impaired" physicians and attorneys to enter treatment to avoid having their licenses revoked. A certified addiction counselor for the American Bar Association's Commission on Impaired Attorneys reports: "I do an assessment and tell that person what they have to do to get well. Part of that component is A.A. They must attend A.A."

Alcoholics Anonymous was not always tied to coercion. It began in 1935 as a voluntary association among a handful of chronic alcoholics. Its roots were in the 19th-century temperance movement, as reflected in its confessional style and sin-and-salvation spirit. A.A., and the alcoholism-as-disease movement it inspired, translated American evangelism into a medical world view.

Originally antimedical, A.A. members often emphasized the failure of physicians to recognize alcoholism. Marty Mann, a

publicist and early A.A. member, correctly saw this as a self-limiting strategy. In 1944 she organized the National Committee for Education on Alcoholism (now the National Council on Alcoholism and Drug Dependence) as the public-relations arm of the movement, enlisting well-placed scientists and physicians to promote the disease model of alcoholism. Without this medical collaboration, A.A. could not have enjoyed the enduring success that distinguishes it from earlier temperance groups.

A.A. has now been incorporated into the cultural and economic mainstream. Indeed, many view A.A.'s 12-step philosophy as a cure not only for alcoholism but for a host of other problems. Twelve-step programs have been developed for drug addicts (Narcotics Anonymous), spouses of alcoholics (Al-Anon), children of alcoholics (Alateen), and people with literally hundreds of other problems (Gamblers Anonymous, Sexaholics Anonymous, Shopaholics Anonymous). Many of these groups and "diseases," in turn, are linked to counseling programs, some conducted in hospitals.

The medical establishment has come to recognize the financial and other advantages of piggybacking on the A.A. folk movement, as have many recovering alcoholics. A.A. members frequently make counseling careers out of their recoveries. They and the treatment centers they staff can then benefit from third-party reimbursement. In a recent survey of 15 treatment centers across the country, researcher Marie Bourbine-Twohig found that all of the centers (90 percent of which were residential) practiced the 12-step philosophy, and two-thirds of all counselors in the facilities were recovering alcoholics and addicts.

Early A.A. literature emphasized that members could succeed only if "motivated by a sincere desire." As their institutional base widened, A.A. and the disease approach became increasingly aggressive. This proselytizing tendency, originating in the religious roots of the movement, was legitimized by the association with medicine. If alcoholism is a disease, then it must be treated—like pneumonia. Unlike people with pneumonia, however, many people identified as alcoholics don't see themselves as sick and don't want to be treated. According to the treatment industry, a person with a drinking or drug problem who does not recognize its nature as a disease is practicing "denial."

In 1987, 39 percent of U.S. alcohol-treatment slots were devoted to DWI cases. In Connecticut and other states, the rate is accelerating.

In fact, denial of a drinking problem—or of the disease diagnosis and A.A. remedy—has come to be a defining characteristic of the disease. But indiscriminate use of the denial label obscures important distinctions among drinkers. While people sometimes do fail to recognize and acknowledge the severity of their problems, a drinking problem does not automatically prove a person is a lifelong alcoholic. Indeed, most people "mature out" of excessive, irresponsible drinking.

The disease approach uses the concept of denial not only to force people into treatment, but to justify emotional abuse within treatment. Drug and alcohol programs typically rely on confrontational therapy (like that depicted in the film *Clean and Sober*) in which counselors and groups deride the inmates for their failings and their reluctance to accept the program's prescriptions. Most of the celebrities who graduate from such programs, out of either genuine belief or judicious discretion, report tough but positive experiences.

But the remarks of a critical minority are revealing. Actor Chevy Chase, for example, criticized the Betty Ford Center in *Playboy* and on TV talk shows after his 1986 stay there. "We called the therapy 'God squadding,' " he said. "They get you to believe that you're at death's door...that you've ruined it for everybody, that you're nothing and that you've got to start building yourself back up through your trust in the Lord....I didn't care for the scare tactics being used there. I didn't think they were right."

In a 1987 *New York Times* article, New York Mets pitcher Dwight Gooden described the group indoctrination at the Smithers Center in New York, where he was sent for cocaine abuse. Gooden, who had used cocaine at off-season parties, was browbeaten by fellow residents: "My stories weren't as good [as theirs]....They said, 'C'mon, man, you're lying.' They didn't believe me....I cried a lot before I went to bed at night."

For every Dwight Gooden or Chevy Chase, there are thousands of less-famous people who have bitter experiences after being roped into treatment. Marie R., for example, is a stable, married woman in her 50s. One evening she drove after drinking beyond the legal limit and was apprehended in a police spot check. Like most drunk drivers, Marie did not meet the criteria for alcoholism, which include routine loss of control. (Research by Kaye Fillmore and Dennis Kelso of the University of California has found that most people arrested for drunk driving are able to moderate their drinking.)

Marie admitted that she deserved to be penalized. Nonetheless, she was shocked when she learned that she faced a one-year license suspension. Although irresponsible, her carelessness was not as serious as the recklessness of a DWI whose driving clearly endangers others. Such disproportionate sentences push all but the most stubborn DWIs to accept "treatment" instead; indeed, this may be their purpose. Like most offenders, Marie thought treatment was preferable, even though she had to pay $500 for it.

Marie's treatment consisted of weekly counseling sessions, plus weekly A.A. meetings, for more than four months. Contrary to her initial expectations, she found the experience "the most physically and emotionally draining ordeal of my life." At A.A. meetings, Marie listened to

ceaseless stories of suffering and degradation, stories replete with phrases like "descent into hell" and "I got down on my knees and prayed to a higher power." For Marie, A.A. was akin to a fundamentalist revival meeting.

In the counseling program provided by a private licensee to the state, Marie received the same A.A. indoctrination and met with counselors whose only qualification was membership in A.A. These true believers told all the DWIs that they had the permanent "disease" of alcoholism, the only cure for which was lifetime abstinence and A.A. membership—all this based on one drunk-driving arrest!

In keeping with the self-righteous, evangelistic spirit of the program, any objection to its requirements was treated as "denial." The program's dictates extended into Marie's private life: She was told to abstain from all alcohol during "treatment," a proscription enforced by the threat of urinalysis. As Marie found her entire life controlled by the program, she concluded that "the power these people attempt to wield is to compensate for the lack of power within themselves."

Money was a regular topic at the sessions, and counselors constantly reminded group members to keep up their payments. But the state picked up the tab for those who claimed they could not afford the $500 fee. Meanwhile, members of the group who had serious emotional problems searched vainly for competent professional counseling. One night, a woman said she felt suicidal. The group counselor instructed her, "Pray to a higher power." The woman dragged on through the meetings with no apparent improvement.

In lieu of real counseling, Marie and the others were forced to participate in a religious ritual. Marie became preoccupied by "the moral, ethical, and legal issue of coercing citizens into accepting dogma which they find offensive." Having had only a vague idea of the A.A. program, she was astounded to discover that "God" and a "higher power" are mentioned in half of A.A.'s 12 steps. For Marie, the third step said it all: "Made a decision to turn our will and our lives over to the care of God." Like many, Marie was not consoled that it was God "as we understood him."

One first-time offender could choose either a one-year license suspension or four months of weekly A.A. meetings. Instead of real counseling, she had to participate in a religious ritual.

She wrote in her diary: "I keep reminding myself that this is America. I find it unconscionable that the criminal justice system has the power to coerce American citizens to accept ideas that are anathema to them. It is as if I were a citizen of a totalitarian regime being punished for political dissent."

As Marie's story shows, court-mandated DWI referrals generate income for treatment entrepreneurs from insurance companies and state treasuries. The director of one treatment center says: "Approximately 80 percent of my clients come via the courts and deferred prosecution agreements. Many are simply taking advantage of the opportunity to avoid jail, increased insurance premiums, blemished driving record, etc., and have no intention of changing their behavior."

Although DWIs constitute the largest number of referrals from the criminal-justice system, defendants are required to enter substance-abuse treatment for other crimes as well. In 1988, a quarter of Connecticut's probationers were under court order to enter alcohol or drug treatment. Penal systems are opting to treat the large number of drug offenders they face, both as an alternative to sentencing and as a condition of parole. The potential flow of treatment clients is huge: New York prison authorities estimate that three-quarters of all inmates in the state have abused drugs.

Adolescents are another rich source of treatment clients. (See "What's Up to Doc?," February.) High schools and universities regularly direct students into A.A., sometimes based on isolated incidents of drunkenness. In fact, people in their teens and 20s represent the fastest-growing segment of the A.A. membership. The incarceration of adolescents in private mental institutions—primarily for substance abuse—grew by 450 percent during the 1980s. Teenagers almost always enter treatment involuntarily, whether under court order or under pressure (on them or their parents) from schools and other public agencies. In treatment, they undergo "tough love" programs, which strip children of their pretreatment identities through techniques that often border on physical abuse.

In *The Great Drug War*, Arnold Trebach documents the shocking case of 19-year-old Fred Collins, who was pressured into residential treatment in 1982 at Straight Inc. near St. Petersburg, Florida, by his parents and the organization's staff. Collins's and other inmates' parents collaborated with Straight in forcibly confining him for 135 days. Isolated from the outside world, he was subjected to 24-hour surveillance, sleep and food deprivation (he lost 25 pounds), and constant intimidation and harassment.

Collins eventually escaped through a window and, after months of hiding from his own parents, sought legal redress. In court, Straight did not contest Collins's account but instead claimed the treatment was justified because he was chemically dependent. Collins, an above-average student, presented psychiatric testimony that he had merely smoked marijuana and drunk beer occasionally. A jury found for Collins and awarded him $220,000, mostly in punitive damages. Nonetheless, Straight has never admitted its treatment program was flawed, and Nancy Reagan has continued to be a staunch advocate for the organization. Meanwhile, ABC's "Primetime Live" and "20/20" have documented similar abuses in other private treatment programs.

Another major group of treatment clients are those referred by employee-assistance programs (EAPs). While some employees seek counseling for a variety of problems, the main

focus of EAPs has been substance abuse. Typically the initiative for treatment comes from the EAP rather than the employee, who must undergo treatment to keep his or her job. There are now more than 10,000 EAPs in the United States, most created in the last decade, and the number continues to grow. The majority of companies with at least 750 employees had EAPs by the mid-1980s.

EAPs often use "interventions," a technique that is popular throughout the treatment industry. An intervention involves surprising the targeted individual with a phalanx of family members, friends, and co-workers who, under the supervision of treatment personnel, browbeat the person into accepting that he or she is chemically dependent and requires treatment. Interventions are often spearheaded by counselors who are themselves recovering alcoholics. And usually the agency that assists with the intervention ends up treating the accused substance abuser.

"Interventions are the greatest advance in alcoholism treatment since Alcoholics Anonymous was founded," says the director of a California treatment center that depends on such clients. In a 1990 article in *Special Report on Health* entitled "Drunk Until Proven Sober," journalist John Davidson offered a different assessment: "The philosophical premise behind the technique appears to be that anyone—especially a recovering alcoholic—has the right to invade another's privacy, as long as he's trying to help."

Although employees who are subjected to such interventions are not coerced, they are usually threatened with dismissal, and their experiences often parallel those of criminal defendants who are forced to undergo treatment. Companies confronting employees suspected of drug or alcohol abuse make the same mistakes as courts do in handling drunk drivers. Most important, they fail to distinguish among different groups of employees suspected of substance abuse.

As the stories of Dwight Gooden and Helen Terry indicate, employees may be identified by an EAP even though their job performance is satisfactory. Random urinalysis may find drug traces, a record search may turn up an old drunk-driving arrest, or an enemy may submit a false report. Furthermore, not every employee who screws up at work is screwing up because of drugs or alcohol. Even when an employee's performance is suffering because of drug or alcohol use, this does not mean he or she is an addict or alcoholic. Finally, those employees who do have serious substance-abuse problems may not benefit from the 12-step approach.

A California study showed that DWIs who had their licenses suspended or revoked had better driving records than those who went through court-ordered alcohol treatment.

For all its strong-arm tactics, mainstream drug and alcohol treatment does not seem to work very well. The few studies that have used random assignment and appropriate control groups suggest that A.A. works no better, and perhaps worse, than no treatment at all. The value of A.A., like that of any spiritual fellowship, is in the perceptions of those who choose to participate in it.

This year a study in *The New England Journal of Medicine* reported, for the first time, that employee substance abusers sent to private hospital programs had fewer subsequent drinking problems than employees who selected their own treatment (which generally meant either a hospital or A.A.). A third group sent to A.A. fared the worst of all.

Even in the hospital group, only 36 percent abstained throughout the two years following treatment (the figure was 16 percent for the A.A. group). Finally, although hospital treatment produced more abstinence, no differences in productivity, absenteeism, and other work-related measures were found among the groups. In other words, the employer who was footing the bill for treatment realized no greater benefit from the more expensive option.

Moreover, this study looked at private treatment centers, which cater to the sort of clients—well-to-do, educated, employed, with intact families—who most often straighten out on their own. The results for public treatment facilities are even less encouraging. A national study of public treatment facilities by the Research Triangle Institute in North Carolina found evidence of improvement for methadone maintenance and therapeutic communities for drug addicts, but no positive changes for people entering treatment for marijuana abuse or for alcoholism. A 1985 study published in *The New England Journal of Medicine* reported that just 7 percent of a group of patients treated in an inner-city alcoholism ward had survived and were in remission when followed up several years later.

All of these studies suffer from the flaw of not including a nontreatment comparison group. Such comparisons have most often been carried out with DWI populations. A series of such studies has shown that treatment of drunk drivers is less effective than judicial sanctions. For example, a major study in California compared four counties where drunk drivers were referred to alcohol-rehabilitation programs with four similar counties where driver's licenses were suspended or revoked. After four years, DWIs in the counties imposing traditional legal sanctions had better driving records than those in the counties relying on treatment programs.

For nonalcoholic DWIs, programs teaching drivers the skills with which to manage or avoid risky situations have proven superior to conventional A.A. education programs. Indeed, research has shown that, even for highly alcoholic drinkers, teaching life-management skills, rather than lecturing about the disease of addiction, is the most productive form of treatment. The training covers communication (particularly with family members), job skills, and the ability to "cool out" under stressful conditions that often lead to excessive drinking.

Such training is the standard for treatment in most of the world. Given the spotty record of disease-model treatment, one

would think that U.S. programs would be interested in exploring alternative therapies. Instead, these remain anathema to treatment facilities, which see no possibilities beyond the disease model. Last year, the Institute of Medicine of the prestigious National Academy of Sciences issued a report calling for a much wider range of treatments to respond to the variety of individual preferences and drinking problems.

By accepting the notion that people who have drinking or drug problems (or are merely identified by others as having such problems) suffer from a disease that forever negates their personal judgment, we have undermined the right of people to change their behavior on their own, to reject labels they find inaccurate and demeaning, and to choose a form of treatment they can be comfortable with and believe will work for them. At the same time, we have given government support to group indoctrination, coerced confessions, and massive invasions of privacy.

Fortunately, the courts have supported those seeking protection from coercive treatment. In every court challenge to mandated A.A. attendance to date—in Wisconsin, Colorado, Alaska, and Maryland—the courts have ruled that A.A. is equivalent to a religion for First Amendment purposes. The state's power is limited to regulating people's behavior, not controlling their thoughts.

In the words of Ellen Luff, the ACLU attorney who successfully argued the Maryland case before a state appeals court, the state may not "intrude further into the probationer's mind by forcing sustained attendance in programs designed to alter...their belief in God or their self identity." Whether or not any established religion is involved, she concludes, "if the state becomes a party to attempting to precipitate a conversion experience, the First Amendment has been violated."

In an "intervention," a counselor uses friends and co-workers to browbeat the person into accepting that he or she is chemically dependent. Often the counselors are themselves recovering alcoholics.

Decisions like the one in Maryland, issued in 1989, have not deterred the director of the court-sanctioned Right Turn program in Massachusetts, who declares: "The basic principle about entering A.A. voluntarily is debatable, because most non-Right Turn members of A.A. were forced into the program by other pressures; for instance, a spouse or an employer delivered a last ultimatum." Leaving aside the assumption that the typical drunk driver resembles the alcoholic who voluntarily goes to A.A., the equation of judicial coercion with social or economic pressure would leave us with no Bill of Rights.

In place of today's confused, corrupt tangle of treatment, law enforcement and personnel management, we propose the following guidelines:

Punish misbehavior straightforwardly. Society should hold people accountable for their conduct and penalize irresponsible, destructive behavior appropriately. For example, drunk drivers should be sentenced, irrespective of any presumed "disease state," in a manner commensurate with the frequency and severity of their reckless driving. At the lower end of DWI offenses (borderline intoxication), the penalties are probably too severe; at the upper end (repeat offenders, reckless drunk driving that endangers others, vehicular homicide), they are too lenient. Penalties should be uniform and realistic—for example, a one-month license suspension for a first-time drunk driver who did not otherwise drive recklessly—since they will actually be carried out.

Similarly, employers should insist that workers do their jobs properly. When performance is not satisfactory, for whatever reason, it may make sense to warn, suspend, demote, or fire the employee, depending upon how far short of accepted standards he or she falls. Treatment is a separate issue; in many cases—for example, when the only indication of substance abuse is a Monday-morning hangover—it's inappropriate.

Offer treatment to those who seek help, but not as an alternative to accountability. Coercive treatment has such poor results in part because offenders typically accept treatment as a way to avoid punishment. Courts and employers should provide treatment referrals for those who want help in extricating themselves from destructive habits, but not as a way of avoiding penalties.

Offer a range of therapeutic alternatives. Treatment should reflect individual needs and values. For treatment to have its greatest impact, people must believe in it and take responsibility for its success because they have chosen it. Americans should have access to the range of treatments used in other countries and proven effective in clinical research.

Emphasize specific behaviors, not global identities. "Denial" is often a response to the mindless insistence that people admit they are addicts or alcoholics. This resistance can be circumvented by focusing on the specific behavior that the state has a legitimate interest in modifying—for instance, driving while intoxicated. A practical, goal-oriented approach, implemented through situational and skills training, has the best chance of changing behavior.

There is no better motivation for change than the experience of real-world punishments for misbehavior. By comparison, coercive treatment on a religious model is notably ineffective. And it is one of the most blatant and pervasive violations of constitutional rights in the United States today. After all, even murderers on death row are not forced to pray.

Archie Brodsky is a senior research associate at the Harvard Medical School's Program in Psychiatry and the Law. Contributing Editor Stanton Peele is a psychologist and health-care researcher. They are the authors, with Mary Arnold, of The Truth About Addiction and Recovery: The Life Process Program for Outgrowing Destructive Habits *(Simon & Schuster).*

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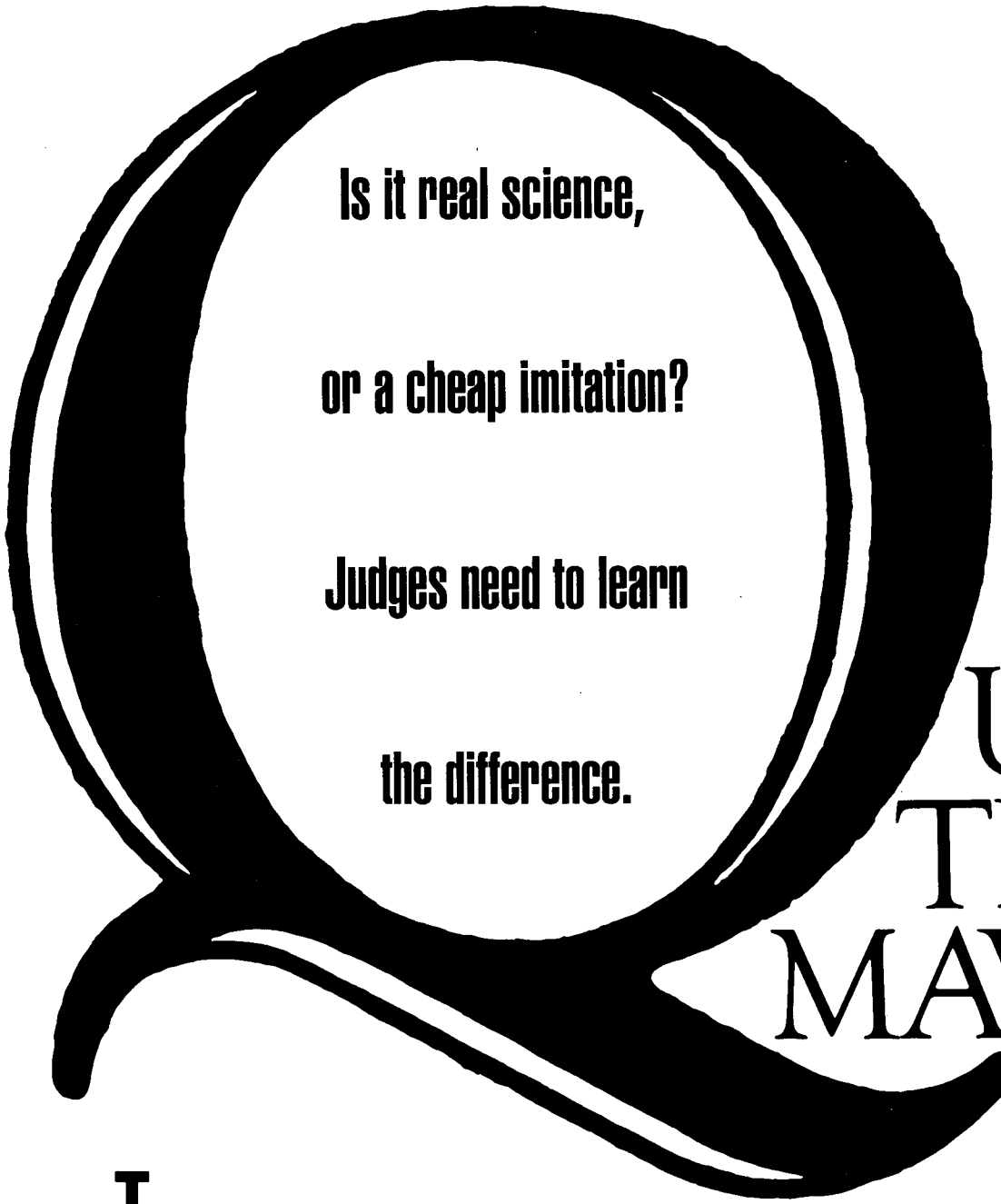

QUOTH THE MAVEN

By Peter W. Huber

Today, judges across the country confront a terrifying new threat. They recognize that "deep anxieties and considerable hysteria" afflict a small community in Florida and a large one in New York. The fears are undoubtedly real, but most judges refuse to be swayed by "theoretical risk," "future theoretical harm," "pure speculation," or "irrational and unsupported belief." Almost without exception, judges brush aside popular fears and stake everything on real science. They empathize with those who are frightened but find themselves "duty bound to objectively evaluate the issue...and not be influenced by unsubstantiated fears of catastrophe."

Excerpted from the book GALILEO'S REVENGE: JUNK SCIENCE IN THE COURTROOM, by Peter W. Huber. Copyright © 1991 by Basic Books. Published by arrangement with Basic Books, a division of HarperCollins Publishers Inc.

"Little in science can be proved with complete certainty," a California judge concedes, but decisions cannot turn on some tiny, unerasable shadow of doubt. Judges rely instead on the "overwhelming weight of scientific evidence," the "clear weight of the expert medical evidence and opinion," "reasonable medical knowledge," and the consensus views of expert agencies and public-health authorities.

What could possibly elicit so much good sense in so many different quarters? Certainly not "chemical AIDS," the junk-science alternative to the dread disease. The claims of clinical ecology—which alleges that a host of maladies, including suppression of the immune system, are caused by low-level exposure to industrial chemicals—have met with credulity and multimillion-dollar judgments in court. (See "Quack Attack," October.) No, at issue is AIDS itself, the new leprosy.

More specifically, the issue is whether AIDS can be transmitted by casual contact. The argument is always the same: Since we don't know absolutely for sure, shouldn't we err on the side of safety? It is the same argument that has been raised in connection with tuberculosis, electronic cruise controls, morning sickness drugs, contraceptives, vaccines, and industrial chemicals: Better to banish the small risk than to hazard the large harm.

But in answering this tired and superficial argument in the context of AIDS, courageous judges call the science straight. They side with doctors against a New York landlord who does not want them to treat AIDS patients on his premises, with AIDS children who want to attend schools in New York City and Florida, and with young Ryan Thomas, who begs leave to attend kindergarten in California. Predictably, the California school district does manage to dig up a Dr. Steven Armentrout, who opines—correctly, no doubt—that there is a tiny possibility that AIDS could be transmitted through as-yet-undiscovered vectors. But five experts, backed up by prestigious medical journals, present strong evidence that AIDS is not transmitted by casual contact, and that is enough.

And now a strange thing begins to happen: As one judge after another affirms the solid science and rejects the paranoid speculation, the courts help to educate the public and allay some of its most acute but least well-grounded fears. By refusing to take the junk science of AIDS seriously, wise judges help put a stop to it.

Why have courts been willing to rein in destructive legal speculation on genuine AIDS, when they are so reluctant to do the same when it comes to "chemical AIDS" or the other bogeys of junk science? One reason, no doubt, is that a young Ryan Thomas with his heart set on kindergarten is a much more visible and sympathetic victim of junk science than a faceless, deep-pocket chemical company. But giving in to scientific nonsense entails costs in either case. A rational court system can and should vindicate good science not just when the stakes are especially high and poignant but as an everyday matter for every kind of litigant.

But what *is* good science? How can we identify it? The trial lawyer and his acolytes will never tire of telling stories about how high priests of science have been proved badly wrong by "cranks" and "mavericks" in times past. Galileo, the patron saint of all heretics, figures often in such stories. Let's not ostracize the "mini Galileo," pleads a plaintiff's lawyer; the legal system must be "capable of advancing." Honor the expert "at the edges of the bell curve," advises the chemical-AIDS maven Alan Levin, "as was Galileo and as are other people at the frontiers of medicine or science."

Lawyers point out that science has ignored the mavericks of the past. Modern science studies facts that are regular,

No doubt about it: The views of the establishment are sometimes wrong, in science and medicine as in law. It's equally true that the isolated scientist, the iconoclast, the maverick, crank, or congenital rebel has sometimes been proved right. When the great Hungarian clinician Ignaz Philipp Semmelweis discovered the antiseptic properties of chlorinated lime in 1850, his findings were met with deep skepticism from many in the medical establishment.

But science has changed profoundly since the days of Galileo and Semmelweis. This is most particularly true of medical science. Until the late 17th century, as the historian James Burke recounts, a medical career "flourished or foundered according to the relationship the doctor managed to strike up at the bedside." The doctor would emphasize his "heroic and secret" insights into disease and its cure. Each individual's illness was thought to be a unique condition. Each doctor "would claim that all other doctors were quacks and their remedies ill-advised or dangerous." Doctors believed that every disease could exhibit every symptom. Therapies were correspondingly quirky.

In 1800, the French surgeon Xavier Bichat demonstrated that disease is a specific phenomenon peculiar to certain lesions or tissues. Doctors began to recognize that disease itself presents a specific and concrete target that transcends individual patients. As medicine raised its sights from the idiosyncratic and particular to the regular and general, it converged with statistics, a new branch of mathematics that

was evolving during the same period. The center of medical learning shifted to the hospital, where patients could be studied in still larger numbers.

When cholera struck Europe in 1829, the focus shifted from the hospital to the city. William Farr, appointed controller of the General Register Office, set out to conquer cholera with a radically new medical instrument: the biometer. The biometer was pencil and paper—a life-table that insurance company actuaries had been using for years. Farr systematically analyzed who was dying and where. The most important things he discovered were negative. Wealth didn't protect you from cholera. Nor did occupation or residential proximity to the sea. What mattered was how high above the Thames you lived. Farr concluded that cholera was caused by the river's awesome stench.

He was wrong, but only in this single, last step of the analysis. It was left to another English physician, John Snow, to make the right connection in 1853. The key was not dirty air but dirty water; the London sewers emptied into the Thames, so the farther down-sewer you lived, the more likely you were to drink foul water. A few years later Parliament passed legislation to rebuild the sewers, and cholera disappeared from the city forever.

The story of cholera is the story of how medicine was transformed from black art into science, from a pseudoscience of the individual into a science of groups. The difference between the clinician who cures and the clinician who quacks is the difference between the intellectual hermit and the member in good standing of a community of scientists. For the one, medicine is shaped by an endless series of peculiar and individual cases; for the other, by broad perspective and consensus conclusions. One espouses fictions as changeable as the individual patient and doctor; the other, truths that apply to many people, not just to one. The rise of modern medical science, with its astonishing capacity to diagnose and cure, can be traced to the decline of individual eccentricity on both sides of the stethoscope.

Modern science is the study of facts that are regular, of things that recur in patterns. A courtroom trial is quintessentially singular. Science depends on placing facts in an orderly context, but a trial frames facts in isolation. Good science transcends the here and now, the individual and idiosyncratic, the single laboratory, the single nation, the single planet, even the single galaxy, but a trial typically examines a singular datum and demands that scientific truths be rediscovered anew every time. Scientific facts emerge from many isolated observations, as data are accumulated, vetted for error, tested for significance, correlated, regressed, and reanalyzed, but trials are conducted retail. Good science is open, collegial, and cumulative, but the courtroom setting is discrete, insular, and closed—a one-shot decision.

The methods of science are so fundamentally different from those of litigation that scientific anarchy in court is inevitable if rules of evidence are not strictly maintained. Scientific facts remain perpetually in play. Each patient, each injury, each illness becomes unique once again—or so says the 18th-century doctor, on the payroll of the 20th-century lawyer. Trials are not connected; the same question about the morning-sickness drug Bendectin, "sudden acceleration" in the Audi, or clinical ecology can be litigated again and again.

But science has changed since the days of Galileo. things that recur in patterns, data that can be verified.

In the worst cases, courts drift through the degenerative sequence described by the historian Jerome Ravetz and thereafter elaborated by W.C. Clark. Tentative outlooks are often suppressed, views are quickly polarized, and a "great confidence game" replaces serious science. Recognition and money, Ravetz noted, flow "to those making the first, loudest, and most frightening noises." The careful skeptic is rewarded with "accusations of corruption, cowardice, or insensitivity." There will be "an accretion of cranks and congenital rebels whose reforming zeal is not matched by their scientific skill."

An accretion of cranks in court follows inevitably from the great paradox of modern liability science: In attempting to control quackery outside the courtroom, we invite quacks to the witness stand. If this degenerative process is to be halted—or, better still, reversed—judges must rediscover rules of evidence consonant with the essential collegiality of modern science. Such rules are not self-evident, nor can they be implemented mechanically, nor will they work their intended effect in the hands of jurists who hold science itself in no real respect. But rules can be formulated, and even modest rules, if enforced with evenhanded conviction and some measure of faith in the scientific method, will make a positive difference.

"Training is everything," Mark Twain once suggested. "Cauliflower is nothing but cabbage with a college education."

Many, like Twain, will suppose that the cure to junk-science litigation is to have judges scrutinize professional credentials more carefully. It isn't; Twain was only half right. Strings of letters appended to last names do provide a useful initial screen against professional incompetence, but only a very coarse one. Even yesterday's stellar achievement offers little assurance that today's opinion is correct: Many a great scientist takes off sooner or later on some foolish frolic.

So while a résumé may be a necessary condition of expert competence, it is never a sufficient one. Twain's views notwithstanding, what defines a cauliflower is not its résumé but the views it shares with other cauliflowers. A cabbage with an M.D. is still a cabbage. Science is likewise defined by a community, not by the individual, still less by a résumé. Lawyers already know this. Credentials are all but irrelevant when a doctor sits at the defense table rather than in the witness box, and so they should be. *Cucullus non facit monachum*: The cowl does not make a monk.

This was the key insight in the *Frye* rule of evidence, now fallen into disfavor. Based on a 1923 federal appellate court decision, *Frye* required that expert testimony be founded on theories, methods, and procedures "generally accepted" as valid among other scientists in the same field. *Frye* directed the focus away from the individual, whatever his credentials might be, and toward the scientific consensus. Define the relevant community whose consensus views should prevail. Then require expert witnesses to report not their personal views but the consensus views of that community.

Applying the test is not always simple; there will always be room for quibbling. Any definition of "the relevant scientific community" will be somewhat arbitrary. But despite what some lawyers maintain, it isn't terribly difficult to decide which community of scientists to consult on Bendectin, cerebral palsy, or sudden acceleration. Lawyers in fact define similar communities all the time. A long-standing principle of negligence law is that doctors are held to the standards of the medical community in which they practice; one standard for an urban specialist, another for a rural generalist. Most of the time, common sense serves quite adequately to identify a relevant scientific community, far better than it does in ascertaining the science itself.

The second step in applying *Frye*—determining just where the mainstream scientific consensus lies—is usually not all that hard either. Careful reviews of current learning on one subject or another are published in top-notch scientific journals all the time. Such journals have long track records of accuracy and insight. They are backed by established scientific institutions. What they publish is reviewed by other scientists. A judge need not know the slightest thing about pharmacology or electronic cruise controls to make sensible calls about who speaks for mainstream science on such issues and who does not. Even a person who knows nothing about hydrology can distinguish the mainstream of the Mississippi from stagnant pools near its banks.

As the legal scholar Bert Black has lucidly discussed, a sophisticated, modern application of *Frye* looks to the methods behind a scientific report, not to its finely detailed conclusions. An epidemiological study will easily survive *Frye* even if it is the very first to report, for example, a link between Bendectin and birth defects, so long as standard protocols for conducting such studies have been observed and the data are reported with error bands, significance tests, and similar statements of caution suitable for a refereed professional journal. What should not survive, however, is a crude imitation of science—the unpublished hunch, the letter to the editor, the impressionistic "mosaic theory."

If the FDA declares that thalidomide causes birth defects, the trial will without arms. There is no good evidence that Bendectin

Lawyers should be the last to suggest that any of these ideas is radical or unreasonable, because lawyers apply every one of them to defendants, though not to witnesses. If the laws of negligence and strict liability can condemn doctors, chemists, pharmacologists, and car manufacturers for their ineptitude, it is because we believe that there is such a thing as ineptitude, that competence is ascertainably different from incompetence, that there are objective standards worth enforcing. But if people who really design cars or deliver babies are to be judged by professional standards in court, those who accuse them must be held to similar account. If the law is capable of holding defendants to professional standards, it is capable of holding witnesses to the same.

The scientific community supplies stopping points in abundance for those who care to find them. An authoritative scientific pronouncement on Bendectin by the Food and Drug Administration might be one. Or a report by the National Institutes of Health on electronic fetal monitors. Or one by the Centers for Disease Control on the pertussis vaccine or the

causes of pelvic infection. Such institutions, established and funded to make difficult scientific calls, draw on the best and broadest scientific resources.

This is not to suggest that they are infallible; of course they aren't. They are just less fallible—much less fallible—than a thousand juries scattered across the country grappling with the complexities of immune-system impairment after being educated by the likes of clinical ecologists Bertram Carnow and Arthur Zahalsky. Judges therefore have abundant reason to promote the former and to be far more cautious about admitting the latter.

Half the time, ironically, that is precisely what judges already do. If the FDA declares that thalidomide causes limb defects in the womb, there will not be a very long or complex trial if a drug company nonetheless sells the product and a child is born without arms. The case is easy not because the science is easy—it isn't—but because a much larger community has already thrashed out the questions and reached some consensus.

But there is consensus with Bendectin too, though in the opposite direction: There is no good evidence that it causes birth defects. Yet Bendectin trials have lumbered forward, one by one. If the FDA says the drug is a teratogen, liability will follow almost automatically. If the FDA says it isn't, ask a jury. And then another, and another, as many times in succession as the trial bar may deem to be justified by either visceral conviction or speculative greed. We find, once again, that our modern liability system is all accelerator and no brake.

not be very long if a drug company sells the product and a child is born causes birth defects. Yet Bendectin trials lumber forward.

When definitive pronouncements of the FDA, CDC, or surgeon general are not at hand, the next best place to look for the consensus views of mainstream science is in the peer-reviewed scientific literature. There is, indeed, a straightforward test for judges to determine which methods, procedures, and theories have not been "generally accepted" by other scientists: peer-reviewed publication.

A witness whose views have survived peer review in a professional journal will already have been forced into a candid disclosure of cautions and qualifications; good journals won't publish without them. If the published claim is of any importance, publication will also mobilize other scientists to repeat, verify, contradict, or confirm. By requiring professional publication as a basis for expert opinion, judges will help line up the larger community of scientists to shadow the necessarily smaller community of expert witnesses.

One might expect judges to be very comfortable with such a write-it-down rule of scientific evidence, for they apply similar rules elsewhere. The "parol evidence" rule, for example, declares that a written contract trumps the verbal discussions that lead up to it; writing is likewise required by the law to make binding a will or a contract for the sale of land. If the law already recognizes that only a written document can be trusted to determine who gets Aunt Agatha's prized collection of china dogs, it is hardly excessive to require formal writing by anyone who claims to have identified the causes of cerebral palsy or chemically induced AIDS.

There is one final test of expert competence, one more difficult to articulate but of great importance nonetheless. Scientific study of the causes of injury and disease, like scientific study of anything else, looks for regularities, patterns, and recurrences. Modern science uses rigorous, systematic methods to locate such regularities, methods that are rooted in statistics and significance tests, blind trials, and especially epidemiology. Each human spirit may be individual and unique, but the frailties of human flesh are shared by many. Medical science has recognized this fundamental fact for the better part of two centuries.

Thus, any truly scientific claim about the causes of disease will be based on systematic observation of many patients or test subjects, not on off-the-cuff impressions developed in the course of clinical treatment. The considerable skills required to diagnose cerebral palsy, or perform infant surgery, or treat leukemia, are not the same skills required to determine the causes of those afflictions. The difference between the clinician and the scientist is one that courts must learn to understand and affirm.

To hold experts to serious scientific standards is not to abandon venerable legal principle but to reaffirm it. The expert witness is the only kind of witness who is permitted to reflect, opine, and pontificate, in language as conclusory as he may wish. Once we recognize the expert witness for what he is, an unusually privileged interloper, it becomes apparent why we must limit just how far the interloping may

go. The expert whose testimony is not firmly anchored in some broader body of objective learning is just another lawyer, masquerading as a pundit.

It is heartening to record that at least some judges have arrived at this conclusion in recent years. Something of a turning point in judicial attitudes came in 1986, in a much-cited opinion by federal appellate Judge Patrick Higginbotham. "Our message to our able trial colleagues: it is time to take hold of expert testimony in federal trials," he wrote. A slowly growing number of able colleagues have taken these sentiments to heart. Some have begun to emphasize that radical London novelty of 1660—the professional society—and that radical Paris novelty of the 1820s—the professional journal and peer review. Others have begun to emphasize the importance of solid epidemiological data and to insist that scientists confine testimony to their specialties. But many judges still reject any such limits, or equivocate so much that defendants settle baseless claims rather than risk going to trial.

If judges will not screen witnesses retail, state legislatures can screen wholesale; a few have recently done so. In 1987, for example, Alabama passed a law requiring expert witnesses to have practiced recently in the same specialty as the doctor they charge with medical malpractice. Colorado passed a law in 1988 restricting malpractice expert testimony to licensed physicians who can demonstrate "substantial familiarity" with the applicable standard of care and the procedure being litigated. A recent Maryland law bars testimony from any malpractice expert who spends more than 20 percent of his time in court. Kansas, Michigan, Maryland, Rhode Island, and West Virginia have developed similar requirements. Most of these states also bar from the witness stand academics who do not practice at all.

The strongest antidote to bad science in court remains one that most American judges are still regrettably reluctant to use. European judges routinely summon their own experts. Our judges have similar powers, but few choose to exercise them. Most trial lawyers vehemently oppose court-appointed experts, perceiving (correctly, no doubt) that consensus cannot be good for a conflict-centered livelihood. Lawyers will therefore assure you that there is no such thing as a neutral expert. But it is obviously possible to find knowledgeable scientists of high principle, and having a nonpartisan judge do the finding considerably improves the prospect of locating a less partisan expert.

None of these ideas is the least bit radical. What they all come down to is biblical wisdom on the punishment of harlots. If not certifiably free of sin, the expert witness who casts the first stone should—at the very least—not be a notorious patron of the local scientific bordello.

Real science, science outside the courtroom, is an evenly balanced process of proposal and disposal. Science does, of course, require a steady supply of the new and different, the bold, the shocking, even the outrageous. But it requires even more a steady supply of replication, verification, and peer review, the patient development of consensus, the systematic weeding, pruning, and uprooting of spurious data and erroneous theory. Starting promising new lines of inquiry is important; no less important is stopping unpromising old ones. Beginning speculation may be more exciting than ending it. But good science depends quite as much on the patient, plodding rejection and elimination of bad data and mistaken theory.

European judges pick their own experts. So can ours. Having a judge find a knowledgeable, principled scientist improves the chances of locating less partisan witnesses.

Judges have understood this well enough when addressing unfounded prejudice against victims of AIDS. But when the targets of junk science are less sympathetic, and their pockets deeper, the legal record has been dismal. Let-it-all-in rules of scientific evidence have made it trivially easy to begin pseudoscientific speculation in court and almost impossible to end it. Courtroom science has come to revolve around the opinionated eccentric, the go-it-alone maverick. It is heavily biased in favor of the impresario who begins speculation, and against the plodders who end it.

The vindication of good science in court requires precisely the opposite. Judges, like scientists themselves, will never pen a final opinion on the laws of nature, nor should they try. What they can do, however, is realign courtroom science with the science of scientists. This means giving much less attention to the self-proclaimed new Galileos, and far more to the reticent stalwarts of the mainstream scientific community. No doubt, trials will always depend on individual witnesses and personal credibility. But just who those witnesses are and what they testify to can be controlled.

Lawyers and judges who claim so much aptitude in deterring incompetence and preventing accidents everywhere else can surely find the rules to deter and prevent them in court—if they can ever find the will. Until they do, courts will maintain their current renown for quixotic, pseudoscientific crusades, begun in haste and repeated at leisure. Until they do, what passes for science in court won't be.

Peter W. Huber is a senior fellow at the Manhattan Institute and a columnist for Forbes.

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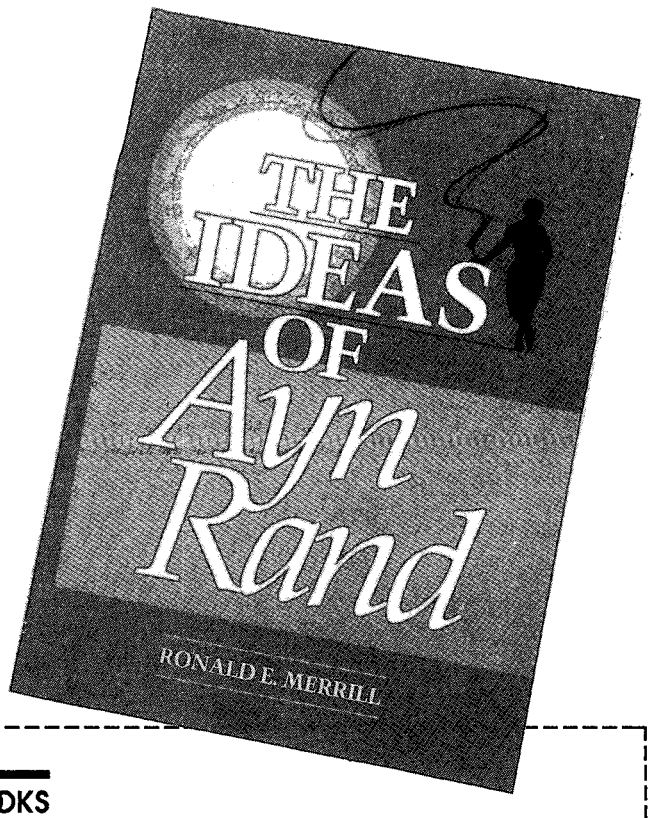

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COUPS AND CONSTITUTIONS

BY LOREN E. LOMASKY

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Say what you will about George Bush, he tries to get things right the second time. In July 1990, Saddam Hussein was an American ally, but before summer faded, Bush had declared Saddam a wanton aggressor comparable to Hitler and was mobilizing for war in the Persian Gulf. When Panamanian military officers bravely launched an insurrection against Manuel Noriega, Bush pointedly declined to intervene in what he dubbed another country's domestic affairs. A few weeks after the insurrection was put down and its leaders ruthlessly executed, American troops made Panama their own. And when the abortive Soviet three-day coup commenced, Bush cautiously suggested that there might be room to do business with the Kremlin's new occupants. Several hours later, he firmly condemned the coup plotters.

Whatever one may think of Panama and the Gulf, in the most recent case Bush ended up squarely on the side of the angels. And with Mikhail Gorbachev now (more or less) restored to power, Bush basks in the glow of yet another foreign-policy triumph. The American public cheers, and another half-dozen would-be Democratic presidential candidates slink to the political sidelines. But before memories of yesterday's headlines grow dim we ought to ask ourselves: Are the plaudits truly justified?

The president made very clear what he found objectionable about the putsch of the Eight Who Couldn't Shoot Straight. Over and over in his public statements—more than a dozen times by my count—Bush castigated the usurpation as "unconstitutional." These are words to gladden the heart of an international lawyer, but should the rest of us be similarly soothed by President Bush's concerns for the niceties of Soviet constitutional rule? In a word, no.

The president's remarks were both too strong and too weak, and their further implications for the orientation of this administration's foreign policy are profoundly troubling.

The condemnation was too weak because it largely skirted the real harm that the coup plotters intended. The Gorbachev years have been graced by a partial dismantling of one of the most brutally efficient tyrannies the world has seen. Bit by bit, Soviet citizens and their captive satellite neighbors have been liberated from a 70-year heritage of everyday terrorism exercised by a cadre of party controllers.

This *perestroika* policy, by no means completed, was what the plotters meant to reverse. No one could have doubted their design. It was eloquently spotlighted by Russian president Boris Yeltsin and by the tens of thousands of ordinary Russian citizens who took to the streets to protest the coup. Having tasted liberty, they were loathe to surrender it back to *apparatchik* goons. Whether the re-enslavement was to proceed by constitutional or extraconstitutional means was entirely peripheral to them—as it should be to us.

Bush had a splendid opportunity to affirm that this country's Soviet policy is directed by a concern that the blessings of liberty be extended to those who have for so long gone without. Instead, he resorted to invocations of a constitution the provisions of which not one American in a thousand can identify nor has reason to respect.

The president's statement was too strong in according undue legitimacy to what remained a pervasively corrupt charter. Given the maelstrom of change in the Soviet Union during the past six years, all talk about its constitutional structure is an inexact attempt to focus on a target moving at dizzying speed. But to the extent we can identify a genuine Soviet constitution, its contours at the time of the coup were, despite revisions, recognizably those of Stalin's 1936 document.

Among its central provisions was a guarantee to the Communist Party of a "leading role" in the direction of the state. Who, then, was the more faithful defender of this proviso: Gorbachev or the hardliners? For one who, like Bush,

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has declared himself a "strict constructionist," the answer is embarrassing.

And nothing could be in more flagrant violation of the Soviet constitution than Yeltsin's post-coup decree seizing party assets and expelling its functionaries from factories, the media, and other strategic heights. What separates Yeltsin from the coup plotters is no more—and no less—than the difference between attempts to extend liberty and attempts to roll it back. None of this can be expressed by a reverence for constitutionalism.

One might object on the president's behalf that too literal an interpretation is being foisted on his words. Diplomacy necessarily takes refuge in legalism and sophistries. Presidents must play to a gallery of pinstriped plenipotentiaries for whom plain speaking is anathema; thus the use of constitutional doublespeak. And besides, isn't the real point not what he said but that, when the chips were down, he backed the good guys?

I have no wish to discount the indispensability of hypocrisy to the conduct of diplomatic hocus pocus. If Bush was merely dissembling in the cause of a greater good, he has amply earned his Gallup scores. Alas, the chief problem with the president's words is that they ring all too true.

Until forced by recent events to express support for—and eventually to recognize—the Baltic states' independence, Bush had shown himself extraordinarily reluctant to back their separation from the Soviet Union. That reluctance is entirely consonant with sympathy for convoluted Soviet constitutional provisions rendering secession, at best, a tortuous five-year process, and at worst, impossible.

Similarly, the president's criticisms of the butchers of Tiananmen Square have been exquisitely muted. Thousands were massacred, and another billion persons set back in their aspiration for lives of minimal decency, but Bush persists in his determination to extend most-favored-nation status to totalitarian China. Why? No doubt dozens of *realpolitik* considerations could be cited. But let us note also that the gerontocracy that gave the order to fire is the same body that has oppressed the country for 40 years. Its constitutional credentials are, therefore, impeccable.

At bottom, the president's encomium to constitutionalism is misdirected because it confuses form with substance, principle with persiflage, liberty with legality. The value of constitutional governance is instrumental, not intrinsic. If a country's fundamental law embodies respect for freedom of its citizens, provides reasonably efficient and democratic procedures for transacting public business, supports equality under the law, and affords protection against encroachments by potential oppressors, then it merits support. Otherwise, it does not.

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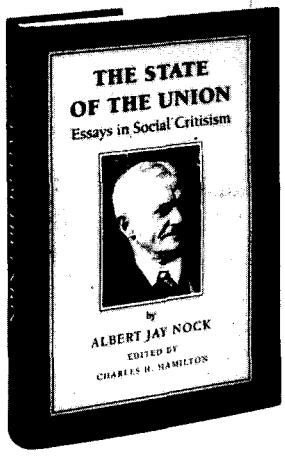

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experience of scores of Third World regimes amply attests, to be equated with some document in a glass case—secures a political and economic order within which individuals can orient themselves. It shields basic principles from the shifting gusts of current opinion. But insofar as the Soviet Union can be said to have had a constitution, it was one rigidly grounded on the principles of Marxism and Leninism. And the order that it imposed was that of the Gulag.

The Gorbachev years have been an exercise—sometimes full-throttle, sometimes half-hearted, sometimes thrust into reverse—of constitution dismantlement. That is a process to be encouraged, and if Gorbachev lacks the mettle to bring it to a fitting culmination, we should hope that he will be supplanted by a more stalwart successor. The United States has no interest as such in seeing Gorbachev comfortably fill out the remaining years of his term in office.

To offer at this point unqualified support for constitutionalism in the Soviet Union and elsewhere in Eastern Europe is fundamentally to misconstrue the imperatives of that region's politics. No revolution can be conducted under the provisions of a constitution, and it is precisely a revolution that has engulfed the erstwhile Soviet Empire. From the rise of Solidarity to the fall of the Berlin Wall, old constitutions have been shredded. More of the same is needed if the Baltic peoples, Ukrainians, and ordinary Russian peasants who aspire simply to own the lands on which they labor are to enjoy freedom.

Some coups threaten liberty and others—such as the one that toppled Romania's Ceausescu—advance it. Let us hope that we have a president cognizant of that difference, and let us hope further that he someday comes to speak as forthrightly in defense of liberty as he does of an arid constitutionalism.

Contributing Editor Loren E. Lomasky is professor of philosophy at Bowling Green State University in Ohio and author of Persons, Rights, and the Moral Community *(Oxford University Press).*

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The Arabs of Israel

Are they a "persecuted minority"?

The papers and television bring us daily reports about the happenings in the areas administered by Israel—Judea and Samaria (the "West Bank") and the Gaza Strip, and the allegedly poor treatment the Arabs receive at the hands of the Israeli authorities. Leaving the administered territories to future analysis, it is of interest to consider the status of Arab citizens in Israel proper.

What are the facts?

■ Israel is a democratic country—an open, pluralistic, and egalitarian society. Different religions, cultures, and social traditions coexist. Protection of such diversity is embedded in Israel's traditions and confirmed by the government. Seventeen per cent of the total population (700,000 people) are non-Jews, most of them Arabs, and some Druze. Like all other Israeli citizens, they have full rights to vote and to hold elective office. Both Arabs and Druze hold seats in the Knesset, the Israeli parliament. Every Knesset, since the founding of the state in 1948, has had Arab and Druze members. All transactions in the Knesset are simultaneously translated into Arabic, and Arab members may address the Knesset in Arabic.

■ It is official policy of the Israeli government to foster the language, culture, and traditions of the Arab minority, in the educational system and in daily life. Arabic is an official language in Israel, together with Hebrew. Israel's Arabic press is the most vibrant and independent of any country in the region: there are more than 20 Arabic periodicals. They publish what they please, subject only to the same military censorship as Jewish publications. There are daily TV and radio programs in Arabic. Arabic is taught in Jewish secondary schools. Israeli universities are renowned centers of learning in the history and literature of the Arab Middle East.

■ Education and literacy of the Arab population in Israel is as high and probably higher than in any Arab country. The literacy rate among Israeli Arabs is 95%, virtually the same as for Israeli Jews. There are some 700 Arab educational institutions in Israel, with about 200,000 students—17 times as many as in 1948, when the State of Israel was created. 90% of Arab children attend school, probably the highest ratio of any Arab population anywhere. Israeli universities and technical institutions are freely available to the Arabs. About 3,000 Arab students attend such schools.

■ All religious communities in Israel enjoy the full protection of the State. Israeli Arabs—Moslems, as well as many Christian denominations—are free to exercise their faiths, to observe their own weekly day of rest and holidays, and to administer their own internal affairs. Each community has its own religious councils and courts, and has full jurisdiction over religious affairs, including matters of personal status, such as marriage and divorce. The holy sites of all religions are administered by their own authorities and protected by the government.

■ In contrast to the non-Israeli Arab world, Arab women in Israel enjoy the same status as men. Israeli law grants women equal rights, including the right to vote and to be elected to public office, prohibits polygamy and child marriage, and has thus vastly changed the status of women, to far above that of any country in the region. Israeli health standards are by far the highest in the Middle East. Israeli health institutions are freely open to all Arabs, on the same basis as they are to Jews.

■ There is, however one difference between the "rights" of Arabs and Jews in Israel. Israeli and Druze men are required to do three years of military service and then serve one month every year until they are 50. Arabs are exempted from military duty and are not required to perform any compensating civilian service. Since the surrounding Arab states, with the recent exception of Egypt, are the avowed enemies of Israel and are dedicated to its destruction, this exemption is granted by the Israeli Government to its Arab citizens, so as to spare them conflicts of loyalty and conscience.

Contrary to propaganda and to what many believe, the Arabs in Israel are full-fledged citizens, enjoy every civil right, and have the same status in law as Jewish Israelis. In summary, they enjoy the highest standards of living and liberty of any Arabs in the Middle East. It is instructive and sobering to compare the condition of the approximately 700,000 Arabs in Israel with that of the pitiful remnants of Jewry in Arab countries. Jews have been living in Arab countries for almost 2000 years. Under Arab dominance, they were always third-class citizens and subject to harassment and to persecution. There were about 900,000 Jews in Arab countries in 1948—now there are fewer than 25,000. But there are now 700,000 Arabs in Israel, as against 150,000 in 1948—a more than four-fold increase. These figures alone would seem to prove that things can't be all that bad for Arabs in Israel.

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COMING TO AMERICA

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The debate about immigration, as old as our country, raises a fundamental question: What is America?

What should America's policy on immigration be? The debate isn't simply over raising quotas or varying the mix of immigrants; it's not, at its heart, about the size, powers, and budget of the Immigration and Naturalization Service.

The debate about immigration is as old as our country, and the fundamental question is a simple one: What is America?

Advocates of increased immigration, such as columnist Ben Wattenberg and economist Julian Simon, argue that the United States is a "universal nation," the one place where achievers from all parts of the earth can live without tribal warfare or the unceasing battle against poverty. Foes of immigration counter that America is a country founded by Europeans on Anglo-Saxon principles, and that if whites cease to be a majority, North America will become as violent and dangerous as Latin America.

The July issue of *Chronicles* features writers offering a wide variety of arguments against immigration. Editor Thomas Fleming contends that supporters of immigration also favor homogenizing America and replacing local variety with national sterility. Immigration supporters, says Fleming, favor "the great North American cosmopolis" where all cities are interchangeable and everyone eats the same fast foods, watches the same movies, and vacations at Disney World. "The pressure of immigration," he adds, has made it impossible for Americans to fight "the centralization of political, economic, and cultural power."

Chilton Williamson, *Chronicles'* book editor, uses environmental arguments to oppose immigration. Increased population, he says, leads to more government. In the high plains of Wyoming where Williamson lives, a man can take as much fish and game as he likes and hunt all day without seeing another person; but in the cramped confines of California, bureaucrats dictate the hours when a man can mow his lawn and decide whether backyard barbecues are permissible. "In the modern age," says Williamson, "big populations mean big regulation, and big regulations mean big government."

Lastly, *Dallas Morning News* columnist Richard Estrada contends that his fellow Hispanics have been harmed by liberalized immigration policies. He argues that competition among Hispanics has ensured that most of them have been unable to climb the economic ladder. Given a shortage of low-wage jobs, Hispanics have been forced to queue for scarce public housing and other welfare benefits. "Current U.S. immigration policy," says Estrada, "helps to impede assimilation, stymie bootstrapping, nurture welfare dependency, intensify tribalist politics, prolong labor intensiveness, and undermine productivity and competitiveness."

These are intelligent arguments, and friends of immigration do themselves no service when they attempt to declare their antagonists politically incorrect without answering them. But ultimately, the *Chronicles* authors aren't persuasive.

Immigrants make cities more, not less, interesting. Immigrant communities accentuate, not reduce, the pleasure one finds from city life. It's hard to see Miami without Little Havana, Los Angeles without Little Saigon, Philadelphia without South Philadelphia, or Boston without the North End. Fleming mistakenly invests immigrants with too much clout; governments, not immigrants, are primarily responsible for destroying communities in the name of "urban renewal" and replacing the state-created lifeless husks with artificial "festival marketplaces."

Moreover, the "national culture" Fleming attacks is tenuous and weak. National media grow weaker by the year: Network television's share of the audience shrinks; the circulations of weekly news magazines decline. Americans may reclaim national pride in time of war, but in peacetime, liberal claims for more government in the name of a "national community" have ensured Democratic defeat in five out of the last six presidential elections.

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Williamson's charge that population pressure ensures the growth of government is misleading. Can he, for example, show how immigrant residents of the East Los Angeles barrio are responsible for the draconian Los Angeles air-pollution regulations or California Gov. Pete Wilson's massive tax increase?

As Peter Steinhart shows in the May *Audubon*, environmentalists are more likely to ensure the growth of government than immigrants, for the simple reason that immigrants to America frequently flee their homelands because of state misrule. Immigrants, says Steinhart, are people "whose experience of government is one of oppression. They have little experience of making political institutions work for them."

The best way to reply to Estrada's charges that immigrants clog the welfare rolls and steal jobs is to look to the economists. In 1990 the Cato Institute surveyed 38 prominent economists, including past presidents of the American Economics Association, former members of the President's Council of Economic Advisers, and seven Nobel laureates in economics. Of these distinguished economists, 70 percent said that illegal immigrants "have a positive economic impact," and 63 percent supported raising immigration quotas. This pro-immigration consensus didn't split along traditional lines; both Milton Friedman and John Kenneth Galbraith favor liberalized immigration quotas.

In the January *Industrial and Labor Relations Review*, George J. Borjas, an economist at the University of California, San Diego, and Stephen J. Trejo, an economist at the University of California, Santa Barbara, look at data compiled on immigrant households in the 1970 and 1980 censuses. They discover that while more immigrants were getting welfare than in the past, they were doing so at rates comparable to those of American citizens. In 1970, 5.2 percent of native-born American families headed by someone between 28 and 44 were on welfare; 3.9 percent of comparable immigrant families were on welfare. In 1980, 6.5 percent of all native-born American families were on welfare; 6.9 percent of immigrant families were on welfare.

While welfare costs for immigrants are increasing, Borjas and Trejo say, the trends they discovered "are not necessarily inconsistent with the conjecture that immigrants are a net gain, but they do imply that the size of the gain has been smaller in recent years." In other words, opinions among economists about the effects of immigration on the economy range from the view that it helps somewhat (Borjas) to the view that it helps a great deal (Julian Simon).

It's hard to see Miami without Little Havana, Los Angeles without Little Saigon, Philadelphia without South Philadelphia, or Boston without the North End.

But do immigrants depress wages? No, say Princeton scholars Kristin F. Butcher and David Card in the May *American Economic Review*. They examine data from the 1980 census and the 1985 Current Population Survey. Comparing cities with high immigrant flows (such as New York, Los Angeles, and Miami) with cities with relatively few immigrants (Minneapolis, Seattle, Portland), they find that wages in most cities rose about as fast as the Consumer Price Index. But in cities with large numbers of immigrants, the wages of the lowest-earning 10 percent of workers stayed constant—but the wages of the highest-earning 10 percent rose substantially, suggesting that wealthy immigrants improve the economy far more than poor immigrants depress it.

If immigrants flood our country, won't America become as strife-ridden as Yugoslavia? Not if policy makers adopt a simple rule: Always try to restrict government. As Thomas Sowell argues in the August 5 *Forbes*, most advocates of "multiculturalism" tend to favor group rights over individual rights as a means of getting government aid, through quotas, minority set-asides, bilingual education, and so forth. Remove the battle for government assistance, and most people will peacefully assimilate while preserving whatever aspects of their culture they desire. "Merely retaining elements of one's own distinctive culture does not require politicized bombast or full-time activists or—the key ingredient—government involvement," Sowell says.

Moreover, free immigration should be linked with free trade. In the summer *Policy Review*, Mark P. Lagon of the American Enterprise Institute and Michael Lind of *The National Interest* make a distinction between boundaries and frontiers. Boundaries are peaceful territorial limits, such as between Canada and the United States. Frontiers are "the zone of contact between two different societies or civilizations," such as between Mexico and the United States. The problem for national leaders is: How does one make a frontier a boundary?

The answer, Lagon and Lind say, is free trade, which would make Mexico "more prosperous and stable....If, generations from now, a prosperous, democratic, and capitalist Mexico should join the United States and Canada at a level of actual equality, the second major interest of the United States, border control, would finally cease to be an interest at all."

A major theme of American foreign policy, expressed in different generations by Woodrow Wilson, Jimmy Carter, and the National Endowment for Democracy, is that the world should be as much like America as possible. That theme should be revised: The world, in all its splendid diversity, should be as wealthy as America. The way to ensure rising wealth isn't through foreign aid or sealed frontiers, but by buying the world's goods at a fair price. Certainly an America that welcomed immigrants and slashed protectionism would be a far better place than one with a massive INS and a rigid industrial policy.

Martin Morse Wooster is the Washington editor of REASON.

GOING DUTCH?

BY REUVEN BRENNER

"It is thrifty to prepare today for the wants of tomorrow," Aesop wrote. Judging from the rhetoric of pundits who bemoan the condition of the U.S. economy, Aesop was Japanese.

As we all know, the Japanese are hard-working, sensible, and frugal, while Americans are lazy, frivolous, and impatient for gratification. The source of these images is clear: Japan has leapfrogged the United States in a number of fields, such as electronics and automobiles, where Americans traditionally had the lead. At the same time, according to official figures, Japan has had a higher private saving rate.

Correlation does not imply causation, but this erroneous inference has a long history, especially in connection with savings. In fact, the idea that low saving rates might pose a problem for an economy dates from at least the 17th century, when Holland's economic performance suddenly surpassed that of England. British economists said this could have happened only because of the Dutch people's unusual frugality—an argument that upon closer examination turns out to be false. Nevertheless, the assertion led to a large number of protectionist measures aimed at the Dutch.

Historian Simon Schama notes that while English writers attributed the Dutch success to their frugal ways, Dutch observers were already deploring the fact that "the frugal and modest habits, which had originally created the foundations of Dutch prosperity, were now being squandered in a show of worldly vanity and luxury." Still, it's not clear there ever was such an age of prosperity based on "frugal and modest habits." As Bernard de Mandeville, author of the then-controversial *Fable of the Bees*, noted, the Dutch earned their reputation for frugality not during good times but during bad ones, when Philip II of Spain "began to rage over them with that unheard-of Tyranny."

It was during this troubled period that "rather than to become a Victim to the Spanish Fury," the Dutch "were contended to live upon a third Part of their Income, and lay out far the greatest part of their Income in defending themselves against their merciless Enemies." But savings spent to fight the Spanish can hardly explain the Dutch people's eventual prosperity, Mandeville concluded with obvious good sense.

If a high saving rate did not make Holland the economic wonder of the world during the 17th century, what did? Political changes clearly played an important role. After the revolt against the Spanish in the 16th century, the new Dutch republic was born. It adopted a policy of religious tolerance, attracting considerable immigration from neighboring countries. The opportunities such expansion created combined with the newly acquired freedoms, the expectation of social mobility within a stable political regime, along with well-defined property rights, made both the native Dutch and the immigrants work harder.

People save more when they expect tough times ahead. Yet there's little evidence that such hedges against the future have made the Japanese better off than Americans.

But there is no evidence whatsoever that during these prosperous times the Dutch saving rate was unusually high or that the people avoided luxuries. On the contrary: Italian and English travelers at the end of the 16th century already wrote with admiration of the luxuries of the rapidly growing Dutch towns. Historians have interpreted documents accusing the Dutch of spendthrift habits as, in the words of Simon Schama "no more than the latest version of the Roman stoic lament for the sybaritic corruption of republican virtue." In fact, a number of writers during the 18th century and before—including Nicholas Barbon, John Houghton, Dudley North, and David Hume—thought that the gratification of wants was wholly compatible with national fortune: What, if not the expectation of fulfilling such wants, motivates people to make greater efforts?

It appears to be true that people save more when they expect tough times ahead. Both the Dutch and the Japanese have had good reasons to expect such times, because of both political uncertainties and natural disasters. Yet there's little evidence that such hedges against the future have made the Japanese better off than Americans.

In fact, the Japanese may still be poorer, in real terms, than Westerners. The Japanese work far more hours than people in the West, and they live in much smaller homes. Two or more generations of couples live together in more than 50 percent of Japanese households, versus about 3 percent in the United States.

Add to these observations the fact that the divorce rate in the United States is far higher than in Japan, inducing women to pay more for education and rely on their work experience rather than count on marriage and savings, and a relatively high Japanese saving rate is not so surprising—or disturbing.

Given these considerations, U.S. policy should not aim to duplicate Japanese saving and consumption patterns. If Americans remain optimistic about the future, it's hard to see why they should be manipulated into putting more income into financial assets. What good is money if you can't spend it?

Reuven Brenner is a professor of economics at the University of Montreal.

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Phony War

BY CATHY YOUNG

Backlash: The Undeclared War Against American Women
By Susan Faludi, New York: Crown, 542 pages, $22.50

While watching the recent PBS rerun of "I, Claudius," I was struck by the extent to which our notions of history are shaped by the writings of inevitably biased contemporaries. If our civilization were to perish like the Roman Empire, and if Susan Faludi's *Backlash: The Undeclared War Against American Women* were one of the few books to survive from the late 20th century, our descendants would think of the 1980s and early '90s as a dark age for women, "one long, painful, and unremitting campaign to thwart women's progress." They might wonder how we ever survived.

Faludi, a Pulitzer Prize-winning reporter for *The Wall Street Journal* (which should not be taken as an indication of her politics), sees signs of the backlash everywhere. The news media, says she, "went on a rampage" to denigrate single women and working mothers; TV and film showed women as contented June Cleaver clones, neurotics, or grasping bitches; corporations and the Reagan administration conspired to deny women good jobs. "The backlash watchtowers flashed their warning signals without cease, and like high-security floodlights they served to blind women." This is scary stuff. Most insidiously of all, the creators of the backlash ascribed it to women's own alleged disillusionment with the fruits of liberation.

In fact, argues Faludi, the backlash came from male fears and anxieties about rising female independence: "While the effects of the women's movement may not have depressed women, they did seem to trouble many men." This is partly because many men still see the provider role as the essence of masculinity and are threatened by female competition in the job market. Moreover, liberated women tend to shun the bonds of matrimony ("The more women are paid, the less they are eager to marry") and make their own decisions about childbearing, leaving men—the ones who really need marriage—feeling miserable and left out.

There is surely some truth to this, but Faludi weakens her case by refusing to grant any validity to the opposing view: that women's progress has come at some cost, that some women feel cheated by feminism and would welcome a return to traditional roles. I strongly disagree with them, but that doesn't make them figments of the media's imagination. They do exist. They write letters to editors and occasional columns, some of which Faludi mentions without pausing to examine what they say—mostly to cite their very publication as proof of the backlash. (She scoffs at those who accuse feminism of quasi-totalitarian tendencies, but one gets the sense that her brand of feminism, at least, tolerates no discussion of any possible downside to the breakdown of old gender roles.) Faludi invokes a host of polls to minimize female ambivalence about the women's movement; buried discreetly in the epilogue is the revelation that not only men but almost as many women still "identify the breadwinner role as the leading masculine trait."

She also refuses to admit that men who are not opposed to equal rights may have reasons to worry about certain aspects of the women's movement. As one man told Faludi, "Every move a man made could be misconstrued by feminists. I didn't see why I had to walk on eggs." It does not occur to her that he might have a point. Indeed, her own tone, often reminiscent of the old "A woman without a man is like a fish without a bicycle" line, could give men just cause for alarm. Though professing occasional sympathy for beleaguered males and support for harmony between the sexes, Faludi sounds almost gleeful when she describes the miseries of single or divorced men and reports that "the biological father increasingly [does not] have...much of a say at all" in a woman's reproductive decisions. She regards poll findings that most women approve of single motherhood by choice and that nearly 40 percent think "the man involved should not even be consulted" about an abortion as an unequivocal sign of progress. (Ethics aside, is that a wise attitude to take if we want men to be more involved in child rearing?)

Faludi conveniently ignores recent films with strong female protagonists.

PHOTO CREDIT: BOB PENN, COURTESY OF TWENTIETH CENTURY FOX FILM CORP.

At times, Faludi makes strong and thought-provoking arguments. She punches holes in many popular stereotypes, such as marriage-hungry women vs. uncommitted men, and offers a convincing challenge to sociologist Lenore Weitzman's much-trumpeted statistic that women's living standards plunge by 73 percent after divorce while those of men rise by 42 percent. (Two scholars who did a much more extensive study of the effects of divorce on income, and

whose methods Weitzman claimed to have used, found only a *temporary* 30-percent drop in women's incomes and a 10- to 15-percent improvement for men. Weitzman was strangely evasive when they asked to look at her data.) Faludi's pithy account of the media's handling of several major stories affecting women is a useful reminder of the need for healthy skepticism toward "trends" and "crises," based as they often are on shaky figures, celebrity anecdotes, or dubious logic—such as a return to homebody values deduced from higher sales of oatmeal breakfast cereals.

What is far less convincing is the contention that such media-made crises as the infertility epidemic or the "marriage crunch" for career women over 30 stemmed from something just short of a deliberate conspiracy to scare women back into dependency. The media rarely let the absence of reliable data stand in the way of a good crisis, whether the story is heterosexual AIDS, plastics in our trash, or the 3 million homeless.

As Faludi unmasks the iniquities of the fashion industry, advertising, radio psychologists, relationship seminars, and so forth, one gets a sense that she was determined to cram everything into her extensively annotated opus. When she notes that "an exhaustive study of women's occupational patterns in the '80s would be outside the scope of this book," one is relieved to know *something* is outside its scope. Yet *Backlash* may be most remarkable for what it omits. Faludi's discussion of the pay gap between the sexes does not include the factors of age, marital status, and children. She decries the barriers faced by women in blue-collar trades but never acknowledges that in the '80s, feminists shifted their emphasis from helping women get into traditionally male occupations to legislating comparable pay in traditionally female jobs. She chronicles setbacks to the advancement of women yet ignores such developments as the increasing acceptance of the "battered woman's syndrome" legal defense.

This selective treatment of facts becomes especially frustrating when Faludi advances her argument about creeping antifeminism in the media, meticulously listing articles and TV reports that have questioned the wisdom of employment for mothers of small children or the joys of the single life. What about the numerous pieces of journalism about the new fatherhood, the benefits for girls of having working mothers, women in business and nontraditional jobs, the future of the women's movement, even female bodybuilders? (*Time*'s fall 1990 special issue, "Women: The Road Ahead," did not bother to quote so much as one woman unhappy with the goals and results of feminism.) What about the ratio of feminist to antifeminist columns in any major newspaper or magazine?

Sometimes, the omissions become distortions—which is all the more ironic since Faludi constantly pounces on misuse of data by authors whose conclusions she dislikes. A 1984 *Newsweek* story is presented as an anti–day care diatribe that glorifies women who give up careers to raise their kids. In fact, it ends with the assertion that day care is now "a basic family need" and calls for quality day care; the sidebar about mothers at home emphasizes that the women have not abandoned their careers but put them on hold or merely cut back on work.

It's more of the same with TV and film. In making her case that post-1980 movies have been overwhelmingly retrograde (this was written before *Thelma and Louise*), Faludi misrepresents some films (*Working Girl*, *House of Games*) and conveniently forgets about others (*Compromising Positions*, in which a suburban mom triumphantly returns to work as a reporter over her stuffy husband's objections; *Legal Eagles*, where the smart, tough attorney played by Debra Winger ends up winning her case *and* Robert Redford; *Aliens* with its warlike yet maternal heroine, and so on). Listing all the inaccuracies in *Backlash* might take nearly as hefty a tome. Suffice it to say that anyone who can attribute right-to-life sympathies to the mainstream media must be spending a lot of time vacationing on Mars.

And that's a shame, because Faludi does have important things to say about the recent threats to women's autonomy, particularly the assault on abortion rights. (Even here, she cannot resist her penchant for fitting facts into the procrustean bed of theory: Intent on seeing the anti-abortion movement exclusively as a frightened male reaction to "the speed with which women embrace sexual and reproductive freedom," she ignores not only polls in which men are slightly *more* likely than women to favor unrestricted abortion but also the research of pro-choice sociologist Kristin Luker showing that traditionalist women are the mainstay of the pro-life movement.)

Faludi also targets the addiction and "codependency" industry and the campaign to control the behavior of pregnant women, listing genuine horror stories of babies snatched by the state from mothers who took a few Valiums or failed to observe a proper diet during pregnancy. Her focus on the "backlash," however, prevents her from seeing these disturbing trends in the larger context of the therapeutic state and the social paternalism that threaten the liberties of all Americans, male and female.

To do Faludi justice, she is at her best when exercising her reportorial skills, whether interviewing spunky working-class women or male and female antifeminists of the right. Her profiles of the latter make for fascinating reading—particularly as evidence of the extent to which some feminist ideals have pervaded the unlikeliest segments of society. Michael Levin, the ideologue of male dominance, and his wife, Margarita, a successful philosopher and mathematician who ostensibly shares his antifeminist views, present a model "dual-career household [where] child care duties are routinely divided in half." The formidable champion of masculinity, last seen wearing an apron, cuts a rather pathetic figure. Even women of the religious New Right, such as Beverly LaHaye, have been "quietly incorporating [feminist] tenets of self-determination, equality and freedom of choice into their private behavior."

But is it really self-determination and freedom of choice that Faludi champions?

In the epilogue, she admits that the backlash did not succeed in putting women back in their place. She believes, however, that it has set them back, and laments, above all, the fact that women have been trying to achieve their private goals on their own: "To instruct each woman to struggle alone was to set each women up, yet again, for defeat."

Faludi points out that when women did mobilize, as in the surge of pro-choice activism in 1989, they scored big victories. Yet perhaps the example is instructive. An attempt to ban abortion is a political act that warrants political action with a clear purpose. When it comes to career choices or child-care arrangements, most women, I think, still regard these decisions as essentially private—and rightly so. Susan Faludi and Eleanor Smeal may wax rhapsodic about what would happen "if women all got together on the same day, on the same hour," agitating, of course, not just for equal opportunity or reproductive freedom but for "a real governmental investment in social services." Those of us who cherish true diversity, who believe that women have rights as individuals and not as a gender, can only say: Please, ladies, start the get-together without me.

Contributing Editor Cathy Young is a writer in Middletown, New Jersey.

When You're a Ghetto Child

BY KARL ZINSMEISTER

The Urban Underclass, edited by Christopher Jencks and Paul E. Peterson Washington: Brookings Institution, 450 pages, $34.95

There Are No Children Here, by Alex Kotlowitz, New York: Doubleday, 324 pages, $21.95

Does the neighborhood fail Lafeyette and Pharoah Rivers or are they betrayed by the people closest to them?

The authors of *The Urban Underclass* start with a paradox: Despite big jumps in wages and income since the mid-1960s and a public mobilization that ratcheted welfare spending from 5 percent of GNP then to 10 percent now, the poor are still with us. In wrestling with this reality, the contributors' most interesting discussions center loosely around the question of whether it is primarily faults in the nation's economic structure or faults in human character that account for the most enduring and damaging forms of modern poverty.

There is wide agreement that continued economic growth is important to reducing persistent poverty. (Unemployment, it is pointed out, falls about twice as fast among blacks as among whites during economic recoveries.) Richard Freeman and Paul Osterman both show that in unnaturally tight labor markets, such as existed in several dozen U.S. cities in the late 1980s, many individuals from even the underclass can be drawn into the workforce, and at good wages.

No sane person, however, would prescribe the labor market conditions of, say, late-1980s Boston (which Osterman examines) as a healthy way to eliminate the underclass nationally. Labor shortages create serious problems in their own right. And even as antipoverty devices they aren't reliable: At the peak of the Boston labor crunch, 12 percent of all families in the city remained officially "in poverty."

This brings us to the behavioral issues. As Christopher Jencks shows, in 1968 only about a quarter of the people in poverty were "undeserving" (or lacking what he describes as "socially acceptable reasons for being poor"—for instance, old age, physical disability, or low wages in spite of steady work). Today, more than half of all poor people fall into that category. Simple idleness among young, able-bodied persons, he points out, has gone up dramatically since the mid-1960s.

Greg Duncan and Saul Hoffman present findings from their study comparing the economic fortunes of women who completed high school and avoided having a child as unwed teenagers to those of women who either dropped out or had a baby or did both. Not surprisingly (except to social scientists who never thought to measure this until Charles Murray brought it up), they learn that "teenagers who followed the rules" had much lower chances of subsequent poverty.

What's more, they find that the likelihood of a teenager becoming an unmarried welfare mother corresponds in a statistically significant way to the level of welfare benefits available to her—another Murray contention that has caused an outbreak of hives and indignation among members of the poverty-study industry.

Duncan and Hoffman conclude their contribution with this impassive sentence: "Our descriptive work on the consequences of teenage behavior shows... that schooling and delayed childbearing are sufficient conditions for most women, black and white, to avoid poverty as

KEVIN HORAN

adults." Despite its bland tone, that statement represents a dramatic revision of the poverty research and advocacy of the previous decade. The existence of free will and the importance of lifestyle factors in influencing social condition are at last beginning to be acknowledged among certain of the poverati.

If the Brookings volume looks at the behavioral roots of poverty in abstraction, Alex Kotlowitz's book *There Are No Children Here* is all flesh and bone. The documentary tale begins with a Chicago woman who gives birth to her first child at age 14 and then has another at 15. After some personal turmoil and then a third birth, the father, Paul Rivers, marries the mother, LaJoe, and moves in with the family. About that time he starts a drug habit. He downs cough syrup. He takes barbiturates. He begins a 20-year addiction to heroin.

He doesn't lack for good jobs, however. He works for eight years as an upholsterer. He gets a decent-paying city-patronage position, then works as a garbage collector, then as a municipal bus driver. Meanwhile, the mother also has a job as a clerk in a medical center. "Though the two had their problems, money wasn't one of them," writes their chronicler.

The parents promise their children a house in a secure neighborhood, but they never fulfill that promise. Father takes to hanging out on a corner in front of a liquor store and drifts in and out of home life. He spends his pay on dope. His employer sends him to rehabilitation clinics, but he remains a junkie. He loses his job. He steals his children's television set and pawns it. By this time the couple has eight children. Meanwhile, the mother has left her job and been on public aid for many years. The welfare department supports the family by giving them a cash stipend and food stamps worth about $1,000 a month and renting them an apartment for $122 a month.

The children, all of whom still live with the family in public housing, have their own problems. The first three have each dropped out of school, spent time in jail, and gotten involved with drugs. The eldest daughter, in her early 20s, works as a prostitute off and on to support her narcotics habit. She is herself the unmarried mother of three, her last baby addicted *in utero* to karachi, a smokable mix of heroin and amphetamines. The second child, a son, has served time in state prison for burglary. The thirdborn begins selling drugs at age 11 and has fathered three children by different mothers and been arrested 46 times on various charges by the time he is 18.

Hangers-on of all sorts pass through the family's apartment, with more than a dozen people frequently living off its refrigerator and bedrooms. Some are addicts. One works every day at O'Hare Airport selling fake-gold jewelry to tourists. The family is convicted of welfare fraud and the mother makes ends meet during the month or so they are off the rolls by card sharping, a late-night hobby through which she sometimes wins considerable sums. In a generation of cousins, there are 12 high-school dropouts and just two graduates (one, the family success story, is a girl weighted down with four out-of-wedlock children on commencement day).

The younger family members have more childlike problems. An 11-year-old son misses 35 out of 180 school days. The boys extort money from car owners who park at a nearby stadium and break into some vehicles when rebuffed. Neither the children nor anyone else in the household keeps regular hours. The mother is sometimes not yet home when the children leave for school. They do much of their own clothes washing and ironing. Cereal is a 24-hour, self-served meal. The kitchen is often piled high with dirty dishes and food scraps and trash. Clothes overflow onto bedroom floors.

Beyond the inner sanctum of family is a neighborhood equally drenched in self-damaging disorder and destruction, plus brutality. A benevolent merchant who sometimes gives mothers free diapers is run out of business by robberies and shoplifting in his two-aisle store. A kindly hot dog peddler who befriends local children is shot in a stick-up.

The family can't easily visit with a jail-confined son because inmates have permanently ripped the phones out. The bathrooms in the home apartment are fetid because residents have stolen their building's ventilators. A pool opens nearby for the children to enjoy, but the night of the ribbon-cutting ceremony it, too, is crippled by theft of its ventilation fans. The self-immolation runs across all groups: Resident children smash whiskey bottles on their own playground and tear down the basketball hoops that are their own best entertainment.

Meanwhile, the gangsters and drug dealers who control the housing project enjoy a kind of folk-hero status among some residents. The gangs never hesitate to use terror to get their way, but they also enjoy a certain measure of voluntary collaboration in setting up their gun and drug dens, and they can generally rely on community silence against the police and the housing authorities. A confidential crime hotline draws a total of 21 calls from Chicago public-housing residents in crime-snarled 1986.

Growing up within this family and the surrounding milieu of violence, cruelty, and utterly wasted lives are two smart, sensitive pre-teenage boys: middle sons Lafeyette and Pharoah Rivers. The author got to know the youngsters well over a four-year period, and he spent considerable time interviewing the relatives, neighbors, and local authorities around them as well. This book is the story of their days. In its grim outlines, the tale will be depressingly familiar to observers of the modern urban scene, but only rarely do we get a picture of underclass life this affectingly personal in its detail. There is real humanity and some masterful journalism in this book.

Unfortunately, the book's sympathy and personalism becomes its weakness as well as its strength, leaving the reader with an uneasy fuzziness as to how all these innocent and likable people could end up in such a nightmarish world. Kotlowitz's villains are all distant, impersonal abstractions: the housing authority, the police, gentrifying developers, the cigar-chomping owner of a sports stadium that dominates the neighbor-

"a splendid job!"

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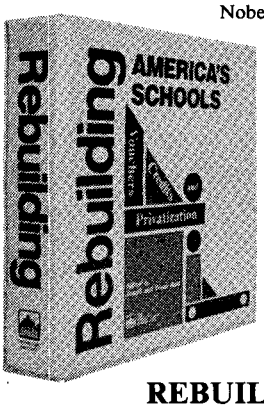

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hood, Reaganites in Washington, Mayor Richard Daley Jr., the gangs (though not the gangsters). It is a sanitizing touch that makes the degraded narrative bearable—amidst this leprous inhumanity, all the evil has been banished to institutions.

Certainly there is ample blame to be shared. The innocent children at the heart of this book have been badly let down by many institutions: the criminally inept bureaucracy of the Chicago Housing Authority; liberal fatuities such as the various programs that have "adopted" street gangs, giving them official responsibilities, city grants, publicly supplied buildings, and other resources (all soon pillaged); a criminal-justice system that is neither swift nor sure (25,000 accused criminals were released onto the streets of Cook County in 1988 alone simply because city fathers provided no jail space in which to hold them); a public-school system that allowed four teachers' strikes in five years and provides perhaps the worst education in the United States.

The economic inducements prevailing in places like inner-city Chicago also corrode healthy family life and social relations. LaJoe Rivers's $12,000-a-year welfare package, the separate welfare package of her resident daughter LaShawn, the off-the-books income from fake-jewelry sales, drug sales, card-game winnings, prostitution, video-game robberies and other thefts, the boys' car-park shakedown money, an older son's occasional gypsy shoeshine earnings (of up to $100 a day), Paul Rivers's paycheck and unemployment benefits, Medicaid benefits, and other entitlements mean that an alternative existence in market-rate housing and unskilled paid employment would very likely not pay off for the family. Our social-welfare system tells the Rivers to stay put.

The quality of housing, schooling, and medical care, the physical fabric of their dependent existence, is often abysmally low. But then no sweaty drudging or nagging responsibility are required either. Their demoralized, goal-less lives have been bought and paid for with public funds, and as an economic proposition there is no incentive for them to leave the projects and the dole for independent toil. Nor is there anything in our current welfare system that expects or demands any more of them, a scandalous indictment of the warped encouragements and apologies our society presents to its least proficient members. We are, at a minimum, responsible for anesthetizing many of these families in their squalor.

But if welfare traps, inept bureaucracies, crummy schools, and weak law enforcement are ways that American society has failed children such as Lafeyette and Pharoah Rivers, more fundamental failings lie closer to home. Kotlowitz makes much of an incident in which Paul Rivers rages at a hustler who has introduced his son Terence to the drug trade. The confrontation is without effect, and the boy eventually becomes deeply involved. The family, Kotlowitz says, "lost Terence to the neighborhood."

A more detached observer might suggest something else: that Terence was less lost to others than converted, rather predictably, to the example of his own father. Had the son of the 20-year junkie grown to view drugs as anything *other* than commonplaces of commerce and consumption it might have surprised us more.

Kotlowitz freely admits his emotional involvement with his informants, and one can easily understand his shying from conclusions so acid. There is no pleasure whatever in wagging fingers at the pitiful adults and kinfolk who ring his child protagonists. Just the same, we will never accurately understand why those youngsters have suffered so horribly unless we face the implications of the personal and family behaviors that occur all around them. By many free choices the boys' guardians set courses for lives other than their own. Time after time they badly let down the innocents whom they had more reason to protect than anyone.

That is the broader calamity depicted in this poignant book. It is bad enough the Rivers family is beset from without; what is more wrenching is that it first collapsed within. Virtually no member respects even society's most elementary rules of personal obligation. One can hardly be surprised that under such conditions there is no social success and little individual

satisfaction. No amount of human love, no mobilization of public concern, no teetering mountain of funds can reliably protect the vulnerable young in the face of moral decay as pervasive as that which blights the Rivers family. So long as a Hobbesian world of exploded families and suspended ethics pertains in our worst ghettos, every resident child will be gravely endangered; any who escape untwisted must be considered gifts.

Life's most damaging hurts are unquestionably the betrayals. At one point in this book the mother of Lafeyette and Pharoah, referring to a perceived police injustice, rues the occasion when "what you thought would protect you, you found out that you couldn't trust." That statement, applied even more to people than institutions, could be this opera's anthem. For Lafeyette and Pharoah, and their underclass siblings everywhere, it is the trusts broken by those most naturally relied upon that cut most deeply.

Contributing Editor Karl Zinsmeister is writing a book on the problems of children and family for HarperCollins. For six years he lived next to one of Washington, D.C.'s most troubled housing projects.

Computers in Steam and Brass

BY GREG COSTIKYAN

The Difference Engine, by William Gibson and Bruce Sterling
New York: Bantam/Spectra, 429 pages, $19.95

Sterling (left) and Gibson: compelling storytellers with selective memories

William Gibson and Bruce Sterling are the founders and foremost practitioners of "cyberpunk," a recent and much-debated movement in science fiction. *Cyberpunk* as a word has now passed into general usage, in two rather contradictory ways. In entertainment media, it refers to a style of downbeat, hard-bitten, and violent science fiction; in the computer field, it's used by hackers operating on the sometimes-illegal leading edge of technology.

But in the transition from self-conscious literary movement to mass acceptance, the word has lost its original intellectual baggage—for make no mistake about it, Gibson and Sterling have a definite intellectual, even political, agenda. Central to their work, and indeed to literary cyberpunk as a whole, are two essential ideas: First, that we are in the throes of the information revolution, a sea change quite as important and powerful as the industrial revolution, and that very little thought has been given to what that means for society. Second, that humanity as a whole is in the grip of forces we do not understand, forces that revolutionize both technology and culture every generation, and that unless we begin to grasp that fact, we may be heading for a grim and rather unhappy smash-up.

The Difference Engine has been touted as a drastic change in approach for these two writers, and in a sense it is. Their previous work has been Chandleresque; this book reads more like Trollope or Dickens (albeit with a level of sex that the Victorians would never have accepted, at least other than anonymously). Gibson and Sterling's previous work has dealt with the future; this deals with the past. But the central theme remains unchanged: Computers can make it far easier for society to control individuals—and, simultaneously, can vastly increase individual freedom.

This much is historical fact: Charles Babbage (1792-1871), a fellow of the Royal Society, devoted most of his life to the conception and construction of computing machinery, first his Analytical Engine, and later his Difference Engine. The Difference Engine was nothing less than what we now call a von Neumann machine. That is, it was a computer, complete with memory, instruction set, and output devices. Naturally, even electricity was then a novelty, and electronics inconceivable: Babbage's machines depended on mechanical devices—gears, rods, and cams taking the place of vacuum tubes or microchips.

Alas, historically, the machine tools of the day were unable to produce parts to Babbage's demanding tolerances, and the device was never realized. To contemporaries, the Babbage machine must have seemed an imaginative failure; with the benefit of hindsight, we can see that Babbage, like da Vinci, was a genius out of his time. Equally brilliant was Lady Ada Lovelace, the daughter of Lord Byron, who worked with Babbage and developed algorithms to be used with the never-completed Engine. She invented many of the basic principles used in modern software—the subroutine and the iterative loop, for example—and must be considered the world's first programmer, although none of her work ever ran since the hardware for which it was designed was never completed.

The story is a compelling one for a science-fiction writer: What would have happened if Babbage had been able to complete his machine? One readily imagines enormous steam-powered computing engines, rods and gears clacking away.

This astounding technology is one of *The Difference Engine*'s strengths. The image of the Central Statistics Bureau's great brass engines, serviced by punch card-bearing technicians in "clean-room" lab coats whizzing about on roller skates within an enormous rococo Victorian pyramid is one that sticks in the mind.

The story itself is a fairly plebeian one:

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a Hitchcockian thriller, revolving around a mysterious box of punch cards. It exposes us to a mixed bag of well-drawn characters, from a prostitute and Luddite agitator to a paleontologist nearing the pinnacle of society in this alternate Britain. More interesting than the story is the society it explores.

In this world's 1830s, industrial agitation has given rise to the creation of the Industrial Radical Party, led by Lord Byron. Here, Gibson and Sterling are clearly anticipating the later creation of Labour, perhaps under the assumption that Difference Engine technology accelerates both industrial and political trends. In the ensuing convulsions, both Tories and Whigs are swept away, leading to a virtual Rad dictatorship under Byron. He creates the institution of "merit lordship," whereby titles are reserved for the most successful scholars and entrepreneurs of the realm. Meanwhile, America is balkanized, with California and Texas independent republics, the Civil War even more vicious than historically, and Mexico a French protectorate under the Emperor Maximilian.

In some aspects, it is an appealing world: Merit lordship, for instance, means that Britain offers upward mobility and great rewards for the scientists and businessmen who contribute most to society. (Contrast modern America, which reserves its adulation for actors, athletes, and rock stars.) But the Difference Engine has been far from a panacea. The Central Statistics Bureau maintains credit and criminal records on everyone, and God help the poor soul who runs afoul of the government. This is the era of debtors' prison, after all.

As with their previous work, Gibson and Sterling's intention is to show that the information revolution creates both opportunities for tyranny and the possibility of expanding human freedom. In their previous work, they have done so by extrapolating the changes computer technology is causing in our present society into the future; in *The Difference Engine*, they do so by showing how Victorian society might have been altered if computer technology had existed then.

Unfortunately, Babbage machines do not really suit their polemical purpose. Only governments and big businesses can afford Difference Engines, since they are so vast and expensive. (The early vacuum-tube computers took up rooms the size of gymnasia; think what a mechanical computer would be like.) Necessarily, therefore, Babbage machines are primarily instruments of social control. By contrast, modern computers are cheap enough that most people can own one: They are primarily instruments of individual liberation. Babbage machine technology, therefore, emphasizes the evil aspects of the information revolution, while diminishing the positive side. If Gibson and Sterling's intention is to show both the good and the bad, they have not chosen the best vehicle.

Moreover, it is strikingly odd that an ostensibly political work chooses to ignore the political developments of the time. *The Difference Engine* contains nothing about Cobden and Bentham, the evolution of the Whigs into a truly Liberal Party motivated by the ideals of Mill and Adam Smith, or the Anti-Corn Law League. And Byron himself seems quite unlike the young man who admired the French Revolution, who penned, "Who would be free themselves must strike the blow," and who died struggling for the liberty of Greece. Time and power change men, yet it is hard to see an elder Byron as a tyrant.

Admittedly, any book must choose its themes, and Gibson and Sterling are excellent on the texture of life and the scientific controversies of the day; yet by ignoring Victorian liberalism, they have again missed a way to drive their point home. One has the nagging feeling that ignorance of political developments, rather than conscious choice, is to blame.

On the whole, *The Difference Engine* is an ambitious undertaking and an imaginative and compelling work—but doesn't quite hit its mark. Gibson and Sterling have written better books in the past and, one may hope, will do so again.

Contributing Editor Greg Costikyan is a writer of fiction and nonfiction who has designed 23 commercially published games.

The Devil Made Me Do It

BY CHARLES OLIVER

In Pursuit of Satan: Police and the Occult
By Robert D. Hicks, Buffalo: Prometheus Books, 420 pages, $21.95

Does a centuries-old, international Satanic underground exist? Are thousands of Satanists murdering thousands of people each year? Many police officers think so. And many therapists claim to be treating the survivors of Satanic torture.

Belief in Satan is thousands of years old. From time to time, fear that his minions walk among us wreaking havoc breaks out into widespread paranoia. The most famous example in this country occurred in 17th-century Salem, Massachusetts, and since 1980, similar scares seem to have been on the rise.

Jeffrey Victor, a sociologist at Jamestown Community College in New York, counted 33 Satanic rumor panics in just the latter part of the 1980s. The McMartin Pre-School case in California was the first and most prominent of several instances in which day-care workers were accused of ritualistically abusing children. Thousands of women have stepped forward to say that they were the victims of torture by Satanists.

Robert D. Hicks has written an important account of this phenomenon. *In Pursuit of Satan* looks at the rise of the belief in a Satanic underground and debunks the legion of myths that fuel the paranoia about Satan worshipers. Too often people allow their preconceptions to determine their response to claims of Satanic influence. Christians believe that if Satan exists, Satanists must also. Skeptics assume the opposite. Hicks, however, never allows his own religious views, or lack of them, to get in the way of his judgment. In case after case, the former police officer simply examines the allegations and tries to see if the facts support them. They rarely do.

Take the case of Michelle Smith, who claims to have been tortured and abused as a child by a Satanic cult. Her 1980 book *Michelle Remembers* kicked off the latest wave of Satanic panic. (Kenneth Lanning, an FBI expert on cult crimes, says that he can find no claims of Satanic cult survivors before the publication of Smith's book.) Her tales of ceremonies replete with black candles, black drapes, dismembered bodies, and sexual abuse set a pattern that all other survivor stories have followed. But there is no evidence to support her story, and her father and her sisters deny the tales. (Smith's book leaves readers with the impression that she was an only child.)

Apparently, critical thinking goes out the window when the Prince of Darkness makes an appearance.

Soon after the publication of Smith's book, Lauren Stratford came forward with a similar story in *Satan's Underground*. But Stratford added her own twist: She claimed to have given birth to children used in human sacrifices. Stratford got quite a bit of media coverage and was used as a consultant on cults by policemen (including those investigating the McMartin case). But when the Christian magazine *Cornerstone* investigated her story they found that it was "not true." There was no evidence to back up her claims, and friends and family who knew her when she was supposedly a victim of Satanists denied all of her stories.

What's more, the magazine concluded, "When we contacted [her] mother, sister, brother-in-law, cousin, church friends—

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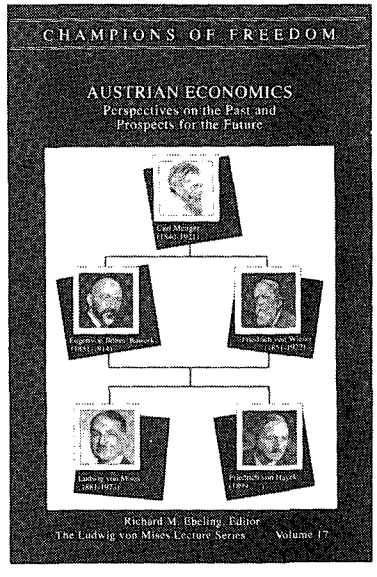
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THE**BOOK**CASE

in fact anyone who would have known [her] during the book's most crucial years —we were shocked to discover that, in nearly every case, we were the first people to have contacted them."

This is a common refrain in all of the stories Hicks looks at. Outrageous claims are made by an alleged victim of Satanists, and they are simply accepted by the police, psychologists, and reporters. Apparently, critical thinking goes out the window when the Prince of Darkness makes an appearance.

Psychologists say that questioning the claims of alleged victims of incest and child abuse hinders their recovery. This may be good therapy, but it makes for lousy reporting and scandalous police work. Consider the recent spate of child-abuse prosecutions of day-care workers.

In 1983, Judy Johnson complained that her son had been abused at the McMartin Pre-School. Johnson had never enrolled her son at the school: She simply dropped him off there, and the staff felt sorry for him and took him in. Johnson's initial allegation was straightforward. She said that her son's bottom was red, and when she asked him about it he said that Ray Buckey, a teacher at the school, had molested him. But Johnson continued to feed prosecutors stories that became increasingly bizarre: Peggy McMartin had sacrificed a baby and forced her son to drink its blood; Ray Buckey had pricked the boy's finger and forced it up a goat's anus; an AWOL Marine had sodomized Johnson's dog. (Two years later, Johnson was diagnosed as a paranoid schizophrenic.)

Despite the increasing strangeness of the stories, prosecutors took them seriously. They questioned other children at the school and eventually came away with other stories of abuse involving secret tunnels and Satanic rites. All of which they passed on to a credulous press. Several teachers were charged with abuse. But when the district attorney got a look at the evidence his office actually had, he dropped the charges against everyone except Raymond Buckey and Peggy McMartin Buckey. And juries later acquitted the two Buckeys.

Hicks's examination of the evidence against the Buckeys makes it clear (although he doesn't say so explicitly) that the only reason they were tried is the immense public pressure on the district attorney. His section on the "interviews" conducted by social worker Kee MacFarlane with the McMartin students is quite disturbing. These interviews were the core of the prosecution's case. But, Hicks notes, "all of the children had denied being abused at McMartin Pre-School until MacFarlane and her associates interviewed them."

Investigators had fed MacFarlane Judy Johnson's stories, and she searched for information to back up those claims. When she asked one young boy if he had played "Naked Movie Star" with Ray Buckey, the child denied it. MacFarlane scolded the boy, "What good are you? You must be dumb."

But MacFarlane's interviews were models of objective inquiry compared to those in other child-molestation cases that Hicks looks at. In some cases, children were struck or threatened when they denied abuse. In another, a girl volunteered that her brother pinched her genitals, but the claim was ignored by an interviewer seeking evidence against the girl's day-care teacher.

The interviewing techniques are based on the assumptions that children don't lie about abuse (a claim that is not backed by scientific evidence), and that they repress memories of molestation, so investigators must dig for these memories. Further, once a child has admitted abuse, the painful memories may once again be repressed, causing the child to recant his testimony of molestation. Apparently, children don't lie about abuse, unless they deny that it happened.

Day-care workers are just one set of victims of Satanic panics. Legislators unwilling to distinguish between Satanism and non-Christian religions (and unconcerned about freedom of religion anyway) have banned the animal sacrifices common to the religions of many immigrants from Africa and the Caribbean. Others have waged war on heavy-metal music and Dungeons & Dragons.

Hicks does an excellent job of putting everything in perspective. Stories of

black-robed cults kidnapping children, sacrificing virgins, and drinking their blood have been around for centuries. They are directed against those who are unusual and politically unpowerful. In the Middle Ages, it was the Jews. In this country, in the last century, such stories were spread about Catholics. The professional Satan hunters of today have their own suspects: homosexuals, immigrants, intellectuals, single working women.

The only way to protect these and other minorities is to shine the cool light of reason on the fears of hysterical mobs. *In Pursuit of Satan* shines quite brightly.

Charles Oliver is assistant editor of REASON.

A Tale of the Wind: A Novel of 19th-Century France, by Kay Nolte Smith, New York: Villard Books, 516 pages, $22.00. The 1980s saw not only the discrediting of socialism but a weakening of its intellectual first cousin, modernism—the doctrine that declares that repulsion and nausea are the chief purposes of art and that novelists should write small stories about hopeless lives. Although the avant-garde faith of the 1920s still holds sway among the mandarins who dispense grants, earlier romantic forms constructed upon traditional lines have begun to make a comeback.

Les Misérables and *The Phantom of the Opera* are popular not just because of the spectacles they present, but because their stories are epic, life-affirming tales that transcend ordinary experience. Most of the major movies of the 1980s were romantic epics, and the rising success of fantasy and science fiction partially comes from the sense of wonder and heroic adventure that the best sf stories provide.

Romanticism has also returned to the shelves of the local bookstore. Robertson Davies, for example, has become a best-selling writer because his tales immerse the reader in magic and grandeur. And Ayn Rand's enduring popularity as a novelist certainly comes as much from the grandeur and authority of her fiction as from the ideas her novels present.

Kay Nolte Smith is, in many ways, a disciple of Ayn Rand. Like Rand, Smith is an individualist romantic with a healthy dislike for government. Smith's earlier novels, particularly *The Watcher*, were quite Randian in form, structure, and technique. But with each book, Smith has distanced herself from her teacher.

Her latest work, *A Tale of the Wind*, is a homage not to Rand but to the French romantic playwrights of the 19th century. The book begins with its characters watching the first production of Victor Hugo's *Hernani* in 1830 and ends with them seeing Edmond Rostand's *Cyrano de Bergerac* 67 years later. It is Smith's longest, most complex, and best novel.

As the book opens, a dwarf known as Nandou rescues teenage urchin Jeanne Sorel from a life selling rags. Nandou is an actor infatuated with romantic ideas; he teaches Sorel to read by reading favorite passages from Lord Byron and Sir Walter Scott. She is a quick learner and within a few years becomes a famous playwright whose best-known work, *The Dwarf Lord*, stars Nandou.

Although *A Tale of the Wind* describes three French revolutions (in 1830, 1848, and 1870), the characters, as they age and as they become increasingly cynical, become more passive. The young Nandou and Sorel rejoice in the overthrow of the Bourbons in 1830; 40 years later, they survive the terrors of the Paris Commune by eating rats, horses, and weeds. The only character who attempts to join the Communards dies in a hail of bullets.

A Tale of the Wind is a succession of intimate tableaux, not a large canvas; the book's center is the eternal conflict between parents and their children. But the novel is also a tribute to the power of words to uplift and transform our lives.

When Victor Hugo dies in 1885, one character meditates on his achievements: "She was marching in tribute not only to France's great poet, but to language itself, to the power and glory of words, which opened people's minds to each other and allowed the profoundest of thoughts to reach the simplest of men and women." It is a profoundly unmodern sentiment, from a grandly romantic author.

—Martin Morse Wooster

"The point is not that plundering the rich is immoral, but that it doesn't pay, doesn't reduce but increases inequality..."

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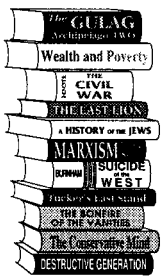

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HOLY WATER

BY THOMAS W. HAZLETT

By the time you read this, you will have already missed the opening lecture of Professor Thomas Hayden's new course offering at Santa Monica (junior) College, "The Environment and Spirituality." The idea sprang from the cosmic experience Mr. Hayden gained while jetting to and from the Amazon Rain Forest, whereupon he racked up a New Consciousness of shrubbery and beaucoup frequent flier miles. His plan, according to *The New York Times*, is to teach a "new earth-oriented religion." He will begin with the Bible. "We need to see nature as having a sacred quality," solemnly intones Professor of Spirituality Hayden, "so we revere it and are in awe of it. That forms a barrier to greed and exploitation and overuse."

Just the theoretical idea of Tom Hayden, gobbling up the planet's resources at a prodigious rate in his global junkets and quest for high public office and star-studded lifestyle, stepping out for spiritual awareness is awesome. Let us not be so grotesque as to point out that the globe-floating Tom's ex-wife consumed most of the free world's known silicon deposits, an exploitation about which no one recalls hubby making a peep. Let us focus on the other mountains of ecological mishap staring us down: It looks as if it's going to take a miracle to save us from the imploding environmental mess.

Happily, the marketplace is running a special on miracles this epoch. New capitalist institutions of pollution-abatement are constantly emerging, pushed by market forces aided only in the most general sense by church services.

Example 1: The closest thing you'll find to a *perfect* fiasco is federal water. The government dams beautiful rivers and builds huge aqueducts through the middle of nature to bring artificially cheap water to the farm. Then farmers take this precious commodity to produce crops like rice in the California desert. (Rice! You soak the rice fields like a marinade!) Rice, it turns out, is in such surplus that the U.S. Department of Agriculture has been hugely subsidizing its export at way-below-cost prices to...Iraq. (Trust me. I'm not making this up.)

Now, of course, the California drought has millions of thirsty water consumers by their Perrier. But the solution cannot be found in yet another $12-zillion dam construction project contracted out to drinking buddies of a powerful Texas congressman (thankfully, the professional environmentalists have fenced this off), and so necessity is the mother of markets: The state is finally allowing farmers to sell their water allocations to consumers.

When farmers (who use 85 percent of the state's water) are allowed to trade their water for cash, suburbanites get their morning showers back, farmers make more money for doing less work, taxpayers save a bundle on farm subsidies, the environment blossoms from reduced pesticide use—and no river is damned, which is a big reason the Environmental Defense Fund is the biggest special interest pumping the water-pricing cause.

An engineer with the California Department of Water Resources recently told an economist colleague of mine how strange it was for him to be in the business of supervising market trades as a solution to water demands. "My whole life has been water management—laying concrete," he mistily opined. Well the price of ridiculous state water projects, always expensive, finally became outrageous, and there's a new day dawning, old boy.

Example 2: To foul the air in major metropolitan areas of the United States, a firm must now purchase the "pollution rights" from an existing holder. By a simple two-step act of establishing a property right to pollute, and then fixing the amount of such rights to more pristine levels, we instantly create a reward system giving every market player a cash payoff for reducing offensive emissions. Trading companies have popped up to actively broker these permits; a commodity exchange has even been formed in Chicago. It's incredible what those greedy little pigs will do for a buck. Firms are finding thousands of new (and newly profitable) ways to cut the ecological crap.

Says an astonished executive with an L.A. firm which brokers pollution rights, "It's amazing what you can achieve if you speak to a company's bottom line. There's water in the desert if you give someone the incentive to find it." (These clichés get dated when they become too literal, I admit. But hey, sprinkle a little of Adam Smith's holy water on the environmental problem and you too will be amazed what turns green.)

In the debate over the Alaskan pipeline cutting through the Arctic Circle, the Aleuts are split. The tribes that own valuable oil rights are all pumped up to exploit the wilderness to the max by nightfall; those who don't are agin' it. American Indians may share a noble spirituality, but they don't let it interfere with their bottom line. Nor, in the end, do the rest of us.

So long as religious charlatans such as the Rev. Hayden demand so much of our spirits and so little of our brains, their piousness on the environment will be evident for what it is: so much intellectual litter. Many of us who harbor a serious attachment to the natural wonders are shocked and offended by this ecological rip-off. The Hon. Tom Hayden may have lost his aerobics partner, but he has certainly found his niche, right in there with Brother Swaggart and the atmospherically hazardous Jim & Tammy Faye. Praise the Lord—and pass the recycled toilet paper.

Contributing Editor Thomas W. Hazlett teaches economics at the University of California, Davis.

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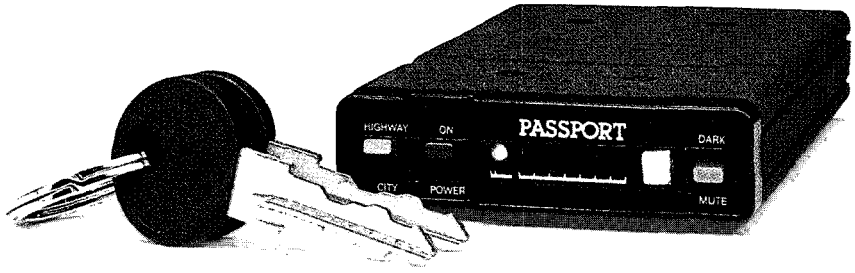

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